

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1488 of 2013

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Nilu Kumari Daughter Of Sri Ramsanjh Ray And Wife Of Shadhi Kumar Singh
Resident Of Village + P.O. Gorgama, P.S. Nayagaon, District- Begusarai

.... Appellant/s

Versus

1. The State Of Bihar Through The Secretary Primary And Adult Education, Human Resources Department, Govt. Of Bihar, Patna
2. The Secretary Primary And Adult Education Human Resources Department, Govt. Of Bihar Patna
3. The Director Primary And Adult Education Resources Department, Govt. Of Bihar, Patna
4. The District Teacher Employment Appellate Authority, Begusarai
5. The District Magistrate-Cum-Chairman Sarva Shiksha Abhiyan, Begusarai
6. The Deputy Development Commissioner Cum Vice Chairman Sarva Siksha Abhiyan, Begusarai
7. The District Education Officer Begusarai
8. The District Superintendent Of Education Cum District Program Coordinator, Sarva Siksha Abhiyan, Begusarai
9. The Range Education Officer Begusarai
10. The Pramukh, Panchayat Samiti Matihani, Begusarai
11. The Block Education Officer, Matihani, Begusarai
12. The Secretary Gram Panchayat Gorgama, Matihani, Begusarai
13. The Block Development Officer, Matihani, Begusarai
14. The Selection Committee Gram Gorgama, Matihani, Begusarai
15. The Headmaster Middle School Kharagpur Dhanuktohi, P.O. Gorgama, P.S. Nayagaon, District- Begusarai
16. Bimlesh Kumar Son Of Balmiki Prasad Singh R/O Village + P.O.- Bagdoy, P.S. Nayagaon, Matihani, District- Begusarai
17. Rani Kumari D/O Gopal Prasad R/O At P.O. Hanspur, P.S. Nayagaon, District- Begusarai
18. Sunita Kumari D/O Balmiki Prasad Yadav R/O Village- Raniya, P.O.- Gauradih, P.S.- Sangrampur, District Munger

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Narayan Singh-1
For the Respondent-16 : Mr. Amresh Kumar Singh, Advocate
Mr. Sushil Kumar Ray, Advocate
For the State : Mr. Anirban Kundan, SC-24

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 27-02-2017



Heard learned counsel for the appellant, counsel for private-respondent no. 16, as well as the State.

Since the Learned Single Judge has rejected the writ application of the appellant, therefore, the present appeal has been filed on the issue related to non-appointment of Bimlesh Kumar, private-respondent no. 16 on the post of Panchayat Teacher and the selection of the present appellant on the said post, even though she did not have the requisite merit and percentage of marks, viz-a-viz private-respondent no. 16.

The appointment of the appellant was in the open category and the right of the private-respondent no. 16 was ignored by the Panchayat, even though he had 71.22 per cent of marks. The Learned Single Judge upheld the finding of the Tribunal that non-appointment of Bimlesh Kumar (Respondent No. 16) was illegal and a direction was issued in this regard.

Counsel for the appellant now wants to argue that in fact by virtue of being a female she ought to have been appointed on the roaster, which was reserved for unreserved woman category and it was the appointment of Rani Kumari which was wrong and she should have been accommodated on that post.

This kind of submission is nothing but an innovation now to somehow find a berth or a position amongst the candidates, who have already been validly selected and appointed. The Learned Single Judge has dealt with this matter in paragraph 23 and 24 of his



decision even on this aspect of the matter.

In totality, therefore, the finding of the Learned Single Judge, upholding the decision of the Tribunal, cannot be said to be erroneous and, therefore, no interference is warranted with the order of the Learned Single Judge, dated 15.07.2013, which is the subject matter of challenge in the present appeal.

Appeal is dismissed, being devoid of merit.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	01.03.2017
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