

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.513 of 2017

In
Civil Writ Jurisdiction Case No.13202 of 2010

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Md. Mujahid Alam, son of Late Sairuddin, Resident of Village - Kandela (Patol), P.S. - Barsoi, Block - Barsoi, District - Katihar.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary to the Govt. Department of Human Resources Development, Primary Education, Govt. of Bihar.
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The District Magistrate, Katihar.
4. The District Superintendent of Education, Katihar now designated as District Programme Officer (Establishment), Katihar.
5. The District Teachers Appointment Appellate Authority, Katihar.
6. The Block Development Officer, Barsoi Block, Katihar.
7. The Block Education Extension Officer, Barsoi, Katihar.
8. The Mukhia Gram Panchayat Raj Kandele (Patol), cum Chairman Panchayat Teacher Selection Committee, Gram Panchayat Raj Kandele (Patol), P.S. - Barsoi, Block - Barsoi, Dist.- Katihar.
9. The Panchayat Sewak cum Secretary, Panchayat Teacher Selection Committee, Gram Panchayat Raj Kandela (Patol), Katihar.

Respondents-Respondents 1st Set.

10. Tarkeshwar Kumar Yadav @ Tarkeshwar Yadav s/o Late Sone Lal Yadav resident of mohalla - Michaibari, Teja Tola (West), ward No. - 03, P.O. - Katihar, P.S. - Katihar, Sahayak, Dist. - Katihar.

... .. Petitioner-Respondent 2nd Set.

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Appearance :

For the Appellant/s	:	Mr. Surendra Kr. Singh, Advocate
		Ms. Sudha Chandra, Advocate
For the Respondent/s	:	Mr. Amarendra Kumar, AC to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-02-2018

Re.: Interlocutory Application No.1960 of 2017

Delay of 2 years 154 days in filing of the Letters Patent
Appeal is condoned.

Interlocutory Application stands allowed and disposed of.



Re.: Letters Patent Appeal No. 513 of 2017

Respondent No.10 Tarkeshwar Kumar Yadav @ Tarkeshwar Yadav herein had filed the writ petition in question being CWJC no.13202 of 2010 and it was his grievance that in spite of an order passed by the District Teachers Appointment Appellate Authority on 15.09.2009, the Mukhiya and Panchayat Secretary of the Gram Panchayat are not permitting joining. The learned Writ Court after taking note of the aforesaid grievance of the original petitioner Tarkeshwar Kumar Yadav @ Tarkeshwar Yadav passed the impugned order on 10.09.2014 and directed for permitting joining to the original petitioner Tarkeshwar Kumar Yadav @ Tarkeshwar Yadav and action against the Mukhiya and the Secretary.

The appellant herein namely Sri Md. Mujahid Alam, who was respondent No.10 in the writ petition, has filed this appeal challenging the order passed by the writ court only on the ground that against the order passed on 15.09.2009 by the District Teachers Appointment Appellate Authority he is aggrieved and he has challenged in a separate writ petition and, therefore, he has grievance in the matter.

If that be so, the appellant Sri Md. Mujahid Alam can prosecute his writ petition challenging the order dated 15.09.2009 passed by the District Teachers Appointment Appellate Authority



and at the instance of the said appellant no indulgence into the matter is called for. The learned Writ Court has only directed for implementing the order passed on 15.09.2009 by the appellate authority which is always subject to challenge to the same by any person before a competent court or authority. Therefore, we find no case for making any indulgence in this appeal at the instance of the present appellant Sri Md. Mojahid Alam. However, the order passed by the Writ Court shall not cause prejudice to the rights of the present appellant in challenging the order of the appellate authority as the writ court has not gone into the merits of the order and it was not challenged before the Writ Court.

With the aforesaid observations, finding no indulgence to be made at the instance of the present appellant, we dispose of the appeal.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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