

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19325 of 2011

1. Shwami Sharan Kumar Son of Shri Jagdish Sah Resident of
Mohalla- Emambari, Police Station- Laherisarai, District-
Darbhanga. Petitioner/s

Versus

1. The State of Bihar.
 2. The Principal Secretary, Human Resources Department, Government Of Bihar, Patna.
 3. The Director, Primary Education, Human Resources Department, Government of Bihar, Patna.
 4. The District Superintendent of Education, Darbhanga.
 5. The Block Development Officer, Hayaghat, District-Darbhangha.
 6. The Block Education Extension Officer, Hayaghat, District-Darbhangha.
 7. The Member, District Teacher Employment Appellate Tribunal, Darbhanga.
 8. The Panchayat Secretary, Gram Panchayat Raj, Hayaghat, District-Darbhangha.
 9. Mukhiya, Gram Panchayat Raj, Pataur.
 10. Prabhu Narayan Singh Son Of Sri Ayodhya Prasad Singh Resident Of Village- Borba, Post Office-Enai, District-Darbhangha.
 11. Awadhesh Kumar Yadav S/O Sri Ram Bilas Yadav Village +Post- Taralati , Darbhanga.
 12. The District Programme Officer (Establishment), Darbhanga.
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha-3
For the Respondent/s : Mr. Geeta Kumari(Gp28)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 30-07-2018

Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the State and the private
respondent.



2. Petitioner has filed the present writ application for quashing of Memo No. 1056 dated 27.09.2011, passed by the District Teacher Employment Appellate Tribunal in Complaint Case No. 70 of 2010.

3. Learned counsel for the petitioner submits that the Tribunal has decided at the instance of Prabhu Narayan Singh respondent No. 10 and directed termination of the petitioner and issue direction for accommodating Prabhu Narayan Singh.

4. Learned counsel for the State submits that the Prabhu Narayan Singh was subsequently appointed as a regular teacher and as such the direction for his appointment in place of the petitioner as loss his interest.

5. Mr. S.C Jha learned counsel for the petitioner submits that the District Teacher Employment Appellate Tribunal has committed many infirmity in the decision. He submits that the District Employment Appellate Tribunal has wrongly construed the roster point in placing the petitioner vide impugned order dated 27.09.2011 contained in Annexure-1. Referring to the order passed by this Court dated 02.12.2011 he submits that this Court has considered the totality of the facts situation and granted stay of the order dated 27.09.2011 passed by the District Teacher Employment Appellate Tribunal.



6. Considering the fact that the order passed by the District Teacher Employment Appellate Tribunal, Darbhanga was stayed by the Court vide order dated 02.12.2011 and remain stayed nearly seven years. In the meanwhile, respondent No. 10 Prabhu Narayan Singh had took instance as impugned order was passed and direction was issued for termination of the petitioner as loss his interest. In the instant case respondent No. 10 Prabhu Narayan Singh has got regular appointment as Panchyat Teacher.

7. Under the aforesaid circumstance, instead of the entering to the infirmity of the issue the Court is deem fit and proper to quash Annexure-1 and direct the respondent to allow the petitioner to work as Panchyat Teacher without being inference by the order contained in Annexure-1, which is quashed for a reason that Tribunal has no such jurisdiction to pass order of termination itself and direct appointment in place of the petitioner.

8. With the aforesaid the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

banti/-T.Kr.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2018
Transmission Date	

