

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1719 of 2012

In
Civil Writ Jurisdiction Case No.18719 of 2010

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Chhaya Kumari, Wife Of Shri Rajesh Kumar, Resident Of Village - Salempur,
Police Station - Paraiya, District – Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through Secretary Human Resources Development Department, Government Of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate Gaya, Gaya.
4. The District Superintendent Of Education Gaya At Gaya.
5. The Block Development Officer, Pariya Block , District – Gaya.
6. The Secretary, Gram Panchayat Mangrama, District – Gaya.
7. The Mukhiya, Gram Panchayat Mangrama, District – Gaya.
..... Respondents/Respondents 1st Set.
8. Sangita Kumari, Daughter Of Durga Prasad Singh, Resident Of Village - Kharkhura, Police Station - Kharkhura, District – Gaya.
.... Respondents/Respondent (Performa) 2nd Set.
9. Smt. Ranju Kumari, Daughter Of Satendra Kumar, Resident Of Village - Lab, District – Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashutosh Singh, Advocate
For the Respondent/s : Mr. Shashi Shekhar Kr. Prasad, AC to PAAG 2

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-03-2018

Seeking exception to an order dated 07.02.2012 passed by the Writ Court dismissing the writ petition filed by the appellant-petitioner, this appeal has been filed under Clause 10 of the Letters Patent.

Appellant was a candidate, who had participated in the process of selection conducted for the post of Panchayat Teacher



and the appellant, one Smt. Ranju Kumari, respondent no.9 herein and Sangita Kumari, respondent no.8 herein, were competing appointment to the post in question in the same category and most meritorious candidate having received higher marks, who has also obtained requisite training, namely, Smt. Ranju Kumari, has been appointed. The competent statutory authority and the appellate authority has approved her appointment and it was the grievance of the appellant that Smt. Ranju Kumari has been appointed even though she did not participate in the counselling and once she was ineligible for appointment for not having participated in the counselling, her appointing could not be approved, in stead it was the appellant, who should have been appointed on the post in question after the other competing candidate Sangita Kumari was out of zone of consideration as the appellant herein would be next eligible candidate in the panel. However, we find that statutory authority, the appellate authority and the Writ Court have recorded consistent finding that the most meritorious candidate has been appointed, Smt. Ranju Kumari had gone to attend the counselling, she was given rough treatment, she was not allowed to participate in the counselling and the process of counselling was vitiated as it was done by keeping away Smt. Ranju Kumari, the more meritorious candidate out of the competition and with malafide



intention, Sangita Kumari was made to participate in the counselling. Finding the order passed by the District Teachers Appellate Authority, Gaya and the appeal filed by Smt. Ranju Kumari to declare her to be eligible for appointment to be proper, the learned Writ Court has refused to interfere into the matter and in doing so, for the reasons, as are indicated hereinabove, we find no error warranting reconsideration. Once a more meritorious and deserving candidate is found to have been kept out of the counselling on malafide consideration, and when a more meritorious candidate has been directed to be appointed after taking note of all these factors, the concurrent orders passed by the statutory authority, appellate authority and the writ Court, in our considered view, does not warrant any reconsideration. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

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