

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9964 of 2013

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Sanoj Kumar Sharma S/O Paras Thakur R/O Village- Banwaria, Block-
Narkatiaganj, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Human Resource Development Department, Govt. Of Bihar, Patna
2. The Principal Secretary Human Resource Development Department, Govt. Of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The Regional Deputy Director, Education, Tirhut Division, Muzaffarpur
5. The Collector-Cum-District Magistrate, West Champaran At Bettiah
6. The District Education Officer West Champaran At Bettiah
7. The District Teachers Employment Appellate Authority, West Champaran At Bettiah
8. The Block Development Officer Narkatiaganj Block, Narkatiaganj, West Champaran
9. The Block Education Officer, Narkatiaganj Block, Narkatiaganj, West Champaran
10. The Mukhiya, Gram Panchayat Raj Banwaria Block- Narkatiaganj, District- West Champaran
11. The Panchayat Teachers Employment Unit Gram Panchayat Raj Banwaria, Block- Narkatiaganj, District- West Champaran
12. The Panchayat Sachiv-Cum-Member Secretary The Panchayat Teachers Employment Unit, Gram Panchayat Raj Banwaria, Block- Narkatiaganj, District- West Champaran
13. Manoj Kumar S/O Shankar Sah R/O Village- Hardiya, P.S.- Shikarpur, District- West Champaran
14. Ranjit Kumar Verma S/o late Ripu Sudan Prasad Verma Resident of Vill- Sugauli, P.O- Ajua, P.S.- Shikarpur, Distt- West Champaran, then Mukhiya of Gram Panchayat Raj Banwaria, Block- Narkatiaganj, Distt- West Champaran.
15. Sk. Imteyazuddin S/o SK. Nezamuddin resident of Vill- Peuni Bagh, Baswaria, Ward No. 32, P.S.- Bettiah town, Distt- West Champaran, the then Panchayat Sachiv of Gram Panchayat Raj - Banwaria , Block- Narkatiaganj, Distt- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar, Advocate
For the Respondent/s :	Mr. Yogendra Pd. Sinha, A.A.G.-07
For the respondent No.13:	Mr. Madhurndra Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

13 12-10-2018

Heard learned counsel for the petitioner and counsel

appearing on behalf of the State as well private respondent.



Petitioner is aggrieved by the order passed by the District Teachers Employment Appellate Authority, West Champaran dated 26.11.2012. The claim of the petitioner was rejected by the District Teachers Employment Appellate Authority, West Champaran on the ground that the petitioner has not produced any documents showing his presence on the date of 'Niyojan'. Learned counsel would submit that the reasoning for rejecting the claim of the petitioner is alien to the scheme of the rules. Under the rules the employment unit was required to conduct counselling and after counselling it was obligation to the employment unit to inform the selected candidate for giving consent and thereafter the employment unit is required to proceed for appointment. There is no requirement that the petitioner or any selected candidate has to appear before the Employment unit for 'Niyojan' and on that basis rejection of the claim of the petitioner on failure to produce evidence of his presence on the date fixed for employment is uncalled for and contrary to the requirement of rule as such order of the District Teachers Employment Appellate Authority, West Champaran cannot sustain and accordingly Annexure-6 is quashed. The matter is remitted back to the District Teachers Employment Appellate Authority, West Champaran to examine afresh the



matter and after hearing the parties, the District Teachers Employment Appellate Authority, West Champaran is required to examine whether the petitioner was present in the counselling or not or if materials showing participation of the petitioner in counselling is produced then the District Teachers Employment Appellate Authority has to examine whether the Employment Unit has informed the petitioner and solicited the consent of the petitioner for appointment as 'Panchayat Sikshak' and if the petitioner was not informed then the selection process stand vitiated necessary inquiry to be done by the District Teachers Employment Appellate Authority, on the two aspects:-

(A) Whether the petitioner was present in the counselling,

(B) Whether the petitioner was informed about his selection and consent was solicited by the Employment Unit or not?

And only after ascertaining the finding on those two aspects Tribunal will decide the case of the petitioner and pass appropriate order. Considering the present case is an old matter, the District Teachers Employment Appellate Authority may pass appropriate order at the earliest preferably within a period of three months from the date of receipt/ production of a copy of



this order.

With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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