

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1033 of 2014
IN
Civil Writ Jurisdiction Case No. 16660 of 2011
With
Interlocutory Application No. 5286 of 2014

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Baidyanath Yadav, Son of Sri Mishri Lal Yadav, Resident of Village - Tiali, P.O.-
Mailam, P.S. - Andhra Thadhi, District- Madhubani.

.... Petitioner / Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Human Resources Development Department, Govt. of Bihar, Patna.
4. The Appellate Sikshak Niyajan Authority, Madhubani
5. The District Magistrate, Madhubani.
6. The District Superintendent of Education, Madhubani.
7. The Block Development Officer Andhratnadhi, District Madhubani.
8. The Block Extension Officer Andhratnadhi, District Madhubani.
9. The Mukhiya Gram Panchayat Raj Mailam, P.S.- Andhra Thandhi, District- Madhubani.
10. The Panchayat Secretary, Gram Panchayat Raj, Mailam, P.S.- Andhrathadhi, District- Madhubani

.... Respondents

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Appearance:

For the Appellant/s : Mr. Md. Soban Asghar, Advocate.
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 10-07-2018

Re. I.A. No. 5286 of 2014.

I.A. No. 5286 of 2014 has been preferred for condonation
of delay.

Delay is condoned.



The Interlocutory Application is allowed.

Re. L.P.A. No. 1033 of 2014.

Challenge in the present Letters Patent Appeal is to the order dated 27.03.2012 passed by the learned Writ Court in Civil Writ Jurisdiction Case No. 16660/2011 by which the learned Writ Court has refused to interfere with Annexures 5 & 7 to the Writ Application and dismissed the Writ Application.

Learned counsel for the petitioner – appellant submits that the petitioner was appointed on the post of Panchayat Shiksha Mitra pursuant to the resolution of the Sukh Suvidha Committee of the concerned Gram Panchayat and he was continuously working on the post in question, therefore, his consequent appointment on the post of Panchayat Teacher was legal and just as also in accordance with the rules. It is submitted that after a long time the dispute was raised by the petitioner of CWJC No. 6151 of 2008 before this Court and pursuant to the liberty granted by this Court vide order dated 11.11.2009 to the petitioner to file appeal before the District Teachers Appointment Appellate Tribunal, Madhubani with a direction to the Tribunal to consider the same and decide it on merit, the Tribunal passed the order dated 19.04.2011 in Appeal Case No. 118/05-10 by which the appointment of the petitioner has been cancelled. The order dated 19.04.2011 is Annexure-5 to the Writ Application. Learned



counsel submits that the learned Writ Court could not appreciate that at this stage interference with the appeal of the petitioner by the Tribunal was not justified.

We have heard learned counsel for the parties and perused the records.

The learned Writ Court has considered all and various aspects of the matter and found that earlier it was the petitioner who chose to withdraw his Writ Application against the order to go before the Appellate Authority and the Appellate Authority had no power to sit in review over the order passed by the District Magistrate.

In view of the findings and observations recorded by the learned Writ Court we find no reason to interfere with the impugned order. The Letters Patent Appeal has no merit. It dismissed accordingly.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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