

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5051 of 2018

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Parmeshwar Giri, Son of Late Shio Dayal Giri, Resident of Village-
Bawandih Ke Mathiya, P.O.- Chainpur, P.S.- Siwan, District- Siwan (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Deputy Development Commissioner-cum-Chairman, District Education Establishment Committee, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Education Establishment), Siwan.
7. The Prakhanda Pramuks, Siwan Prakhanda, Block- Siwan, District- Siwan.
8. The Block Development Officer, Siwan, District- Siwan.
9. The Block Education Officer, Siwan, District- Siwan.
10. The Presiding Officer, District Teachers Employment Appellate Authority, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhanendra Chaubey
For the Respondent/s	:	Mr. A.R. Pandey- Aag15

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-12-2018 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

The petitioner has challenged the order of State Appellate Authority in Appeal Case No. 760 of 2017, filed by the petitioner, against the order passed by District Employment Appellate Authority, Siwan on his Appeal No. 474 of 2015.

Petitioner's claim for appointment to the post of Block Teacher pursuant to advertisement of 2008 in the second phase has been rejected by the said order.



Counsel for the petitioner submits that by Annexure 1, which is dated 30.10.2008, he had submitted his application for participating in the selection process for appointment of Block Teacher in the year 2008. He submits that he was wrongly not considered for appointment. The authorities should have allowed his claim as he was an applicant for the selection process.

Before the District Employment Appellate Authority a stand was taken by the State that the petitioner was not an applicant and that he had not participated in the selection process. Apart from that, it was also urged by the respondent authorities that the claim for appointment as Block Teacher was being made belatedly by filing appeal before the District Employment Appellate Authority in the year 2015 though the selection process had attained finality, after chequered history, in June 2013 itself. The claim of the petitioner was, therefore, rejected as being barred by delay and it was considered that the petitioner's claim was not based on any cause of action as he had not filed his application as also on the ground of delay the District Employment Appellate Authority had rejected the claim of the petitioner. Against the order passed by the District Appellate Authority the petitioner has approached the State



Appellate Authority by filing Appeal No. 760 of 2017. The issue was considered by the State Appellate Authority. The order is reasoned and considered order taking into consideration all pleas raised by the petitioner. The State Appellate Authority has come to a conclusion that merely for the fact that the petitioner had submitted his application in the process of selection initiated in the year 2008, it was not possible to conclude that pursuant to submitting such application he had actually participated in the process of selection including counselling. Other than one receipt showing filing of application no other document has been produced by the petitioner to show that at any stage of selection process he was ever called for or that he had participated.

Another aspect which has been considered by the State Appellate Authority is that though the process of selection attained finality in the year 2013 the petitioner for the first time has approached the District Authorities in the year 2015. He has not taken any steps for ventilating his grievances, if at all he had illegally been excluded from consideration in the selection process initiated in the year 2008 and finally completed in 2013 itself.

Counsel for the petitioner has submitted that in fact



the State Appellate Authority has made out a new case by recording that the petitioner had not participated in the process of selection. The application, receipt of which is enclosed as Annexure 1, is also not denied or disputed by the State Authorities as being in-genuine or false in any manner.

Mere submission of application is not sufficient to conclude that in fact the petitioner had actually participated in the process of selection. There is no call letter in support of the petitioner's claim to show that he had even been called for counselling at any stage of process of selection. No other document has been placed on record to show that he had ever ventilated his grievances anywhere or he was shown in any merit list or even issued any call letter/admit card after submitting his application in the year 2008. The submission of the Counsel for the petitioner, therefore, does not have any force in light of the facts taken note of by the State Appellate Authority, which clearly shows that after submission of the application in the year 2008 it is apparent that the petitioner has never participated in the selection process. The petitioner has also approached the District Appellate Authority after unexplained delay of two years. The reasons assigned by the



District Appellate Authority as well as the State Appellate
Authority require no interference.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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