

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.561 of 2017

In

Civil Writ Jurisdiction Case No. 4311 of 2010

Rajesh Das, Son of Shri jagdish Das, resident of Village- Mobarkpur, P.O. Shankh, Police Station- Muffasil Begusarai, District- Begusarai, at present posted and working as Panchayat Teacher in Govt. of Primary School Tulsipur, Anchal- Begusarai, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Developent Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Begusarai.
5. The Divisional Commissioner, Munger Division, Munger.
6. The Deputy Development Commissioner-cum-Chairman, District Education Establishment Committee, Begusarai.
7. The District Superintendent of Education, Begusarai.
8. The District Superintendent of Education-cum-District Programme Coordinator, Bihar Education Project, Begusarai.
9. The Block Development Officer, Begusarai, District- Begusarai
10. The Block Education Officer, Begusarai, District- Begusarai.
11. Shrimati Ramlila Devi, Wife of Shri Ram Pratap Sharma resident of Village- Ramjnahala, P.O. Shankh, Police Station- Muffasil Begusarai, District- Begusarai, the Mukhiya of Gram Panchayat Raj Shankh, Block- Begusarai, District- Begusarai.
12. Shri Ram Udgar Paswan, the Panchayat Secretary of Gram, Panchayat Raj Shankh, Block- Begusarai, District- Begusarai.
13. The District Teacher Employment Appellate Authority, Begusarai.
14. Shri Manoj Kumar son of Shri Lalo Chaudhary, resident of Village- Rajmahala, P.O. Sankh, Police Station- Begusarai Muffasil, District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anshu Dhar Sharma Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey AAG-15
For the private-respondent :		Mr. Anju Narain Advocate Mr. Umesh Kumar Roy Advocate Mr. Anant Kumar Sinha Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

7 26-04-2018 Heard learned counsel for the appellant, counsel for the State as well as the private-respondent no. 14.

Perused the impugned order, dated 09.03.2017, passed by the Learned Single Judge.

Keeping in mind that there were only two posts available in the Gram Panchayat to be filled up by scheduled caste candidates and when a dispute was raised with regard to the selection of the present appellant by certain persons with higher percentage of marks, the Gram Panchayat Raj examined the matter and found that certain error has been committed by including and granting weightage even for vocational course to the present appellant. The merit position was reworked on the basis of marks obtained minus vocational subject and in that exercise the appellant was shown at the third position.

This was the background under which even the District Teachers Employment Appellate Tribunal found the appointment of the present appellant to be wrong. When the matter traveled to the High Court in a writ application, the Learned Single Judge did not find any infirmity with the decision of the District Teachers Employment Appellate Tribunal.



We also are in agreement with the decision rendered by the Learned Single Judge.

The submission of the learned counsel for the appellant that vocational course's marks was used for appointment across the board, therefore, the entire appointment should go, do not convince the Court for the simple reason that the issue is limited to the appointments required to be made and filled up on the two posts reserved for the scheduled caste on reduction of marks of the vocational subject of the appellant. The appellant has admittedly only 10 points, whereas the other two are much higher as 19 and 14 points.

In view of the aforesaid facts and circumstances, we find no merit in the appeal. It is dismissed, accordingly.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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