

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2102 of 2016

In
Civil Writ Jurisdiction Case No.10230 of 2013

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Poonam Singh Wife of Ravindra Singh Resident of Village - Pihara, P.O. Ora,
P.S. Bhagwanpur, District Kaimur (Bhabua).

... .. Appellant

Versus

1. The State of Bihar.
2. District Magistrate, Kaimur.
3. District Programme Officer, Kaimur, District Kaimur.
4. Block Education Extension Officer, Chand, District Kaimur.
5. Block Development Officer, Chand, District Kaimur.
6. Selection Committee, Gram Panchayat, Parhi (Chand) through its Mukhiya Parhi Gram Panchayat, Block Chand, District Kaimur.
7. District Teacher Appointment Appellate Tribunal, Kaimur through its Member District Teacher Appointment Appellate Tribunal, Kaimur.
8. Priyanka Singh Daughter of Gyanendra Singh Resident of Village Babhniaon, P.O. Chand, District Kaimur.

... .. Respondents

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Appearance :

For the Appellant :	Mr. Jitendra Prasad Singh, Advocate
For the Respondent State:	Mr. Ashutosh Ranjan Pandey, AAG-15
For the Pvt. Respondent :	Mr. Janardan Prasad Singh, Senior Advocate
	Mr. Ravi Shankar Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 05-01-2018

Heard counsel for the appellant and learned senior counsel for the private respondent and the State.

The submission of the learned counsel for the appellant that the learned single Judge has lost sight of the basic fact that the very narration of selection by itself throws up a serious doubt as to the fairness and authenticity to the selection made to the post of a Panchayat Teacher. Admitted position is that the present appellant



with 75.5% marks was shown in the merit list at Sl. No. 3. The selected candidate had 65.6% marks and was at Sl. No. 33. It is unbelievable that all such persons numbering 30 including the present appellant would not appear in the counselling and the windfall happened in favour of the private respondent.

The explanation is sought to be offered on behalf of the learned senior counsel for the private respondent that since counselling is held in a large number of panchayats and many applicants are hopeful in more than one places, this is the reason why at this panchayat people did not turn up for counselling. There is no clear averment or assertion in this regard. It is a hypothetical submission which is being made and there is no evidence to accept that position.

In fact, the experience of the Court after having dealt with thousands of cases of such appointments in the Gram Panchayat is that people with lesser marks are accommodated for consideration by the Mukhiya or the Panchayat Secretary and the meritorious candidates are deliberately ignored on the ground that they had not turned up for counselling. In fact, most of the times on the date of counselling the Mukhiya goes missing and it is impossible for such candidates to appear before the elusive Mukhiya of a Gram



Panchayat for counselling and only such persons are accommodated where a deal is already struck with them.

The Court is even otherwise of the opinion that a more meritorious candidate deserves to be appointed on the post of a Panchayat Teacher and so many vanishing candidates by itself casts a doubt on the correctness of such selection of the private respondent.

In view of the same the appeal is allowed. The impugned order dated 31.08.2016 passed by the learned single Judge is set aside. A direction is issued that if the appellant otherwise fulfills the requirement of rules now, her case would be considered by the Gram Panchayat.

Appeal is allowed in terms of the above.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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