

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15863 of 2011

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Bibi Nushrat Fatma, D/o Md. Irfan, Resident of Village- Chopra, P.O.- Sadipur Bhutaha, P.S.- Baisi, District- Purnea, at present posted as Panchayat Teacher, Primary School, Bansbari, P.S.- Baisi, District-Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
3. The Member, District Teachers Appointment Appellate Tribunal, Purnea.
4. The Collector, Purnea.
5. The District Superintendent of Education, District- Purnea.
6. The Sub Divisional Officer, Purnea.
7. The Block Development Officer, Baisi Block, District-Purnea.
8. The Block Education Officer, Purnea.
9. The Mukhiya, Gram Panchayat Raj, Asjamabaiya (Baisi Block), District-Purnea.
10. The Panchayat Secretary, Gram Panchayat Raj, Asjamabaiya (Baisi Block), District- Purnea.
11. Md. Sahnawaz, S/O Md. Mahfooz Alam, Resident of Village- Lotiyabari, P.O.- Asjamabaiya, P.S.-Baisi, District- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Respondent/s : Mr. Kinkar Kumar, SC-9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 29-10-2018

The present writ application has been filed on 14.09.2011.

2. On 23.03.2012, when the case was listed for admission, none appeared on behalf of petitioner. After six long years, when the case was listed on 11.10.2018, a prayer was made to list this case one week after Durga Pooja holidays. Thereafter again this case was listed on different dates under the heading for admission, but no



one appeared on behalf of the petitioner to assist the Court. In the aforesaid circumstance, the case is listed today under the heading “For Dismissal” to provide one more opportunity to the petitioner to assist the Court, but no one has appeared on behalf of the petitioner.

3. Under the aforesaid circumstance, the Court is constrained to dispose of the writ application on the basis of materials available on record.

4. The petitioner is aggrieved by the decision of the District Teachers Employment Appellate Authority dated 23.05.2011 passed in Appeal Case No. 851 of 2010, whereby the petitioner’s appointment was set aside. The order of the Appellate Authority was given effect to in the year 2011 and after filing of the present writ application the petitioner has not shown any interest in pursuing the writ application.

5. For long seven years, the impugned order setting aside the appointment of the petitioner remained in operation. From perusal of the order of the Appellate Authority, it appears that the Appellate Authority has considered the relevant record and after opportunity of hearing to the petitioner, the impugned order has been passed. The Appellate Authority has occasion to examine the record and on the basis of scrutiny of the record the Appellate Authority held out that there was hanky panky in preparation of the merit list and as



such the Appellate Authority interfered with and cancelled the counseling dated 14.08.2010.

6. Noticing the detailed discussion in the order of the Appellate Authority, the Court does not find any infirmity in the order of the Appellate Authority to interfere in this proceeding, particularly, after seven long years. Accordingly, the Court is not inclined to grant indulgence to the petitioner.

7. The writ application stands dismissed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2018
Transmission Date	

