

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6792 of 2018

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Anarul Haque S/o Adul Sattar Resident of Village- Simaria, P.O. Baijnathpur
Simaria, P.S. Korha, District- Katihar **... Petitioner**

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The District Education Officer, Katihar.
3. The District Programme officer(Establishment), Katihar.
4. The Block Development Officer, Azamnagar, District- Katihar.
5. The Block Education Officer, AzamNagar, District-Katihar.
6. The Panchayat Secretary, Gram Panchayat Raj, Sheetalpur, Azamnagar, District- Katihar.
7. The Mukhiya Gram Panchayat Raj, Sheetalpur, Block- Azamnagar, District- katihar.
8. Rukhsana Khatoon Wife of Md. Ashraf , Daughter of Abdul Qaiyum Resident of Village +P.O. Milick Pahalagarh, P.S. Pranpur, District- Katihar.

... .. Respondents

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Appearance :

For the Petitioner : Shashi Priya Pathak, Advocate
For the Respondents : Mr. Kameshwar Kumar- GP 17

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 06-12-2018 Heard learned counsel for the petitioner as well as

learned counsel for the respondents.

Conclusion of the State Appellate Authority in Appeal
No. 116 of 2017, contained in order dated 27.2.2018, passed in
Appeal No. 116 of 2017 is based on a finding that there was
interpolation in the proceedings of selection leading to the
publication of merit list for appointment of teachers under the
second phase process conducted in 2008. Interpolation is
alleged in the proceedings dated 13.8.2010.

Limited issue raised by learned counsel for the
petitioner is that the State Appellate Authority has relied upon a



report of the Panchayat Secretary regarding said interpolation without the petitioner being afforded any opportunity to meet the allegations regarding interpolation which has been attributed to him in the proceedings dated 13.8.2010. Admittedly no proceedings or enquiry has been conducted by any authority in accordance with law and in compliance with principle of Natural Justice to examine the alleged interpolation in the proceedings dated 13.8.2010.

To that extent, conclusion of the State Appellate Authority relying upon such allegation is without there being any findings after giving due opportunity to the petitioner; or to respondent no.8 to establish such allegation against the petitioner. This Court is of the opinion that the issue regarding interpolation in the proceedings dated 13.8.2010 needed to be examined by the Competent authority after affording due opportunity to the petitioner to meet the allegations, as well as private respondent no.8 to establish said allegations. The parties are in agreement that the issue may be examined by the District Education Officer, Katihar.

In view of the aforesaid submissions, this Court would direct that the alleged interpolation in the proceedings dated 13.8.2010 should be enquired into after examining the



entire records available in the Gram Panchayat Raj, Sheetalpur, Block Azamnagar, district Katihar relating to the selection process in question.

Let the DEO, Katihar conclude the proceedings expeditiously and positively within a period of three months from the date of receipt/production of a copy of this order and forward the conclusion to the State Appellate Authority so that rights of the parties can be appreciated by the State Appellate Authority pursuant to the report of the DEO, Katihar.

Order of the State Appellate Authority dated 27.2.2018 stands quashed, awaiting the findings of the enquiry by the DEO, Katihar.

Since, the parties are present in Court, they would appear before the DEO, Katihar within a fortnight.

It would be open to the parties to appear before the State Appellate Authority subsequent to the findings arrived at by the DEO, Katihar in the enquiry, for consideration of the matter.

The writ petition is disposed of.

(Madhuresh Prasad, J)

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