

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.196 of 2019

In

Civil Writ Jurisdiction Case No.7661 of 2012

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Mithilesh Yadav Sri Amrit Yadav R/O Village- Chanpi, P.S.-Sherghati,
District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna
5. The District Magistrate, Gaya
6. The District Superintendent of Education Gaya, Distt- Gaya
7. The Block Education Officer, Sherghati, Distt- Gaya
8. The Block Development Officer, Sherghati, Block Distt. Gaya
9. The Panchayat Secretary, Gram Panchayat Raj Chanpi, Block- Sherghati, Distt- Gaya
10. The Mukhiya, Gram Panchayat Raj Chanpi, Block- Sherghati, Dist- Gaya.
11. The Member, District Teacher Appointment Appellate Authority, Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (AAG-15)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-08-2019

I.A. No.1 of 2019

Having heard learned Counsel for the parties,
we are satisfied that the delay has been sufficiently explained.
The delay condonation application is allowed. The appeal shall



be treated to be within time.

L.P.A.No.196 of 2019

Heard learned counsel for the appellant and having perused the impugned judgement we find that the basic question is about the status of the category of the appellant for occupying the post, which was meant for Economically Backward Class (E.B.C.) candidates.

The appellant is not of that category, but he contends that he was admitted in the backward category and then his extension has been denied when the matter was contested later on.

We have considered the submissions raised and we find from the records that the District Magistrate, while passing the order has recorded a clear finding of fact that the Gram Panchayat never made any recommendation for renewal in favour of the petitioner having found that the petitioner is of the backward category. The recommendation of the Gram Shiksha Samiti did not find favour with the Gram Panchayat. These facts could not be successfully disputed and, even otherwise, the status of the category of the post of that of E.B.C. could not be dislodged by the appellant. It is, thus, evident that the appellant was occupying the post in spite of the



fact that he did not belong to the E.B.C. category. It is also undisputed that the appellant did not receive salary prior to 1.7.2006 for the period 2003 to 2006. It is, thus, evident that the appellant's status as a teacher was not recognized by the State. Even otherwise, another finding has been recorded to the effect that the document of renewal dated 1st of July, 2005 appears to be interpolated.

In the above background, we do not find any error in the conclusion drawn by the learned Single Judge on the basis of the materials on record.

The appeal, therefore, lacks merit, which is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

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