

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20913 of 2011

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GEETA W/O Sri Uday Shankar Kumar R/O Village- Pila Chak, P.O.- Eer
Khan, P.S.- Dulhin Bazar, District- Patna Petitioner/s

Versus

1. The State Of Bihar
 2. The District Teachers Engagement Appellate Authority, Bhojpur, Ara
 3. The District Education Officer, Bhojpur, Ara
 4. The Panchayat Secretary Of Gram Panchayat Raj Rajapur, Block- Koilwar,
District- Bhojpur, Ara
 5. Renu Kumari D/O Late Panchanand Singh R/O Villge- Farhajpur, P.O.-
Narhi Chandi, Police Station- Chandi, District- Bhojpur, Ara
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh, Advocate
For the Respondent/s : Mr.Madhaw Pd. Yadav, GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 28-08-2019 Heard learned counsel for the petitioner and the

State.

The petitioner has filed the present writ petition
challenging the order dated 8.6.2011 whereby the appointment
of the petitioner has been cancelled as Panchayat Teacher

On 5.12.2011 this Court noticing the non-compliance
of principles of natural justice stayed the operation of the order
dated 8.6.2011 and notice was issued to respondent Nos. 4 and 5
but they have not filed any counter affidavit.

From the materials available on the record, it appears
that the petitioner was granted benefit of 20% marks for
experience.

The Division Bench of this Court has occasion to
decide the issue as to award of marks for experience. It has been



held out by the Division Bench in the judgment reported in 2014 (3) PLJR 606 that only 20 marks is admissible for work experience otherwise it may have catastrophic effect if 20% marks is allowed for experience.

Since the impugned order dated 8.6.2011 was passed without compliance of natural justice, it is quashed. The matter is remanded back for fresh decision after opportunity of hearing to the petitioner and all stake holders. While taking fresh decision the Employment Unit is required to award only 20 marks for experience if the experience certificate of the petitioner is found genuine and thereafter the Employment Unit will finalize the fresh merit list and if any person on the basis of reassignment of marks for experience is found above in the merit list, he should be given opportunity to participate in the counseling and in the matter of appointment those who are above in the merit list be preferred. Necessary decision in this regard must be taken by the respondents within a maximum period of three months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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