

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17775 of 2015

1. Sudhihar Kumar and Ors son of Ruplal Mahto, resident of Village - Aliganj, P.O.- Aliganj, P.S. - Sikandara, District- Jamui Bihar.
2. Diwakar Kumar son of Sri Rajendra Ram, resident of Village - Malikpur, P.S.- Naimdarganj, P.S. - Akbarpur, District- Nawadah Bihar.
3. Rajendra Prasad son of Chhotu Prasad, resident of Village - Hudrahi, P.O.- Makhar, P.S. - Akbarpur, District- Nawadah Bihar.
4. Ravindra Kumar son of Rambriksha Yadav, resident of Village - Akaunadih, P.O.- Akaunadih, P.S. - Muffassil, District- Nawadah Bihar.
5. Rinki Kumari daughter of Lakshman Prasad Yadav, resident of Village - Nandlal Bigha, P.O. - Farha, District - Nawadah Bihar.
6. Nilam Kumari daughter of Naresh Pandit, resident of Village- Teli Tolapar Nawadah, P.S.- Nawadah, District- Nawadah Bihar.
7. Rina Kumari daughter of Dharendra Ram, resident of Village - Kolhuawar, P.O. - Itparhwa, P.S.- Kaukakol, District- Nawadah Bihar.
8. Rita Kumari daughter of Ram Chandra Prasad, resident of Vill P.O. - Fatehpur, P.S. - Akbarpur, District - Nawadah Bihar.
9. Pankaj Kumar son of Bijay Chaudhary, resident of Village - Prasad Bigha, Nawadah, P.S.- Nawadah, District- Nawadah Bihar.
10. Saista Khatoon daughter of Md. Sakil Ahmad, resident of Village - Gondapur, P.O.- Gondapur, P.S.- Nawadah, District- Nawadah Bihar.
11. Ram Pravesh Kumar Son of Shankar Mahto, resident of Village - Darkha, P.O.- Darkha, P.S.- Sikandara, District- Jamui Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Department of Education, Government of Bihar, Patna.
4. The District Magistrate, Nawadah.
5. The District Teachers Appointment Appellate Authority, Nawadah through its Member Secretary.
6. The Presiding Officer, District Teachers Appointment Appellate Authority, Nawadah.
7. The Selection Committee of Panchayat Samiti, Akbarpur, Nawadah, District- Nawadah.
8. The Block Development Officer, Akbarpur Cum Executive Officer, Block Panchayat Samiti, Akbarpur, Na
9. The Block Education Officer, Akbarpur Block, Akbarpur, Nawadah.



10. Sharvan Kumar son of Ram Narain Singh, resident of Village - Bahadurpur, P.O.- Bahadurpur, District- Nawadah Bihar.
11. Ramji Prasad son of Late Ganga Mahto, resident of village - Kena, P.S.- Muffassil, District- Nawadah Bihar.
12. Purusottam Kumar son of Girijanandan Singh, resident of Village - Gopalpur, P.S. - Akbarpur, District - Nawadah Bihar.
13. Yogendra Prasad son of Achutanand Singh, resident of Village - Rame, P.S.- Nadriganj, District- Nawadah Bihar.
14. Arvind Kumar son of Nawal Kishore Prasad, resident of Village - Gopalpur, P.S. - Akbarpur, District - Nawadah Bihar.
15. Arun Kumar Verma son of Shyam Sundar Prasad Singh, resident of Village - Hirdayabigha, P.S. - Harnaut, District - Nalanda Bihar.
16. Ajay Kumar Singh son of Awadhesh Kumar Singh, resident of village - Sikhar, P.S. - Muffassil, District - Nawadah Bihar.
17. Moti Prasad son of Lakhan Prasad, resident of Village - Nardiganj, P.S.- Nardiganj, District - Nawadah Bihar.
18. Jagdeo Prasad son of Ram Chandra Prasad, resident of Village - Akaurh, P.S. - Chandi, District - Nalanda Bihar.
19. Sunil Kumar son of Badri Singh, resident of Village - Malikpur, P.S. - Akbarpur, District- Nawadah Bihar.
20. Shailendra Kumar son of Kedar Nath Singh, resident of Village - Gonawan, P.S. - Nawadah, District - Nawadah Bihar.
21. Prasidh Kumar son of Ramdhani Singh, resident of Village- Dhansura, P.S.- Bathani, District- Nawadah Bihar.
22. Singeshwar Prasad Singh son of Sri Sheo Prasad Singh, resident of Village- Singh Koki Bhawar Pokhar, P.O.- Patna, P.S.- Patna Sadar, District- Patna Bihar.
23. Birju Prasad son of Late Ishwar Mahto, resident of Village- Dharampura, P.S.- Chandi, District- Nawadah Bihar.
24. Anil Pandey son of Kapildeo Pandey, resident of Village- Handia, P.S.- Nadriganj, District- Nawadah Bihar.
25. Shambhu Sharan son of Arjun Singh, resident of Village- Gopalpur, P.S.- Akbarpur, District- Nawadah Bihar.
26. Mahesh Prasad Singh son of Muni Singh, resident of Village- Narhat, P.S.- Narhat, District- Nawadah Bihar.
27. Nawal Kishore Pandey son of Mahendra Kishore Pandey, resident of Village- Narhat, P.S.- Narhat, District- Nawadah Bihar.
28. Birendra Kumar Sinha son of Gauri Shankar Prasad resident of Village- Khapura, P.S.- Mamo, District- Nawadah Bihar.
29. Anuj Prasad son of Rajendra Prasad, resident of Village- Hasepur, P.S.- Osari, District- Nawadah Bihar.
30. Ravindra Kumar son of Kedar Nath Singh, resident of Village- Gonawan, P.S.- Muffasil, District- Nawadah Bihar.



31. Uday Prasad Singh son of Rajendra Prasad Singh, resident of Village- Gopalpur, P.S.- Akbarpur, District- Nawadah Bihar.
32. Sanjeev Kumar son of Ram Naresh, resident of Village- New Area Nawadah, P.O. and P.S.- Nawadah, District- Nawadah Bihar.
33. Pramod Kumar son of Late Gita Singh, resident of Gopalpur, P.S.- Akbarpur, District- Nawadah Bihar.
34. Jinnat Bano daughter of Sabir Ahmed, resident of Village- Mirja Tola, P.S.- Bundelkhand, District- Nawadah Bihar.
35. Shahabuddin son of Abdul Rauf Warsi, resident of Village- Akbarpur, P.S.- Akbarpur, District- Nawadah Bihar.
36. Sahnaj Khatoon daughter of Md. Salimuddin, resident of Village- Akbarpur, P.O.- Rajhat, P.s.- Akbarpur, District- Nawadah Bihar.
37. Gyasuddin son of Md. Salimuddin, resident of Village- Akbarpur, P.O.- Rajhat, P.s.- Akbarpur, District- Nawadah Bihar.
38. Shabana Naaz daughter of Md. Idan, resident of Village- Akbarpur, P.s.- Akbarpur, District- Nawadah Bihar.
39. Wakil Ahmed son of Imamuddin, resident of Village- Akbarpur, P.S.- Akbarpur, District- Nawadah Bihar.
40. Kumar Jabin son of Nazmul Hoda, resident of Village- Akbarpur, P.S.- Akbarpur, District- Nawadah Bihar.
41. Gajala Shahin daughter of Md. Mejamuddin, resident of Village- Mahisauri, Ward No.13, P.O. and P.S.- Jamui, District- Jamui Bihar.
42. Afsar Ali son of Md. Siyakul, resident of Village- Bari Dargah, P.S.- Bundelkhand, District- Nawadah Bihar.
43. Shahin Parween daughter of Md. Abdul Hasan, resident of Village- Mansagar Patori, P.O.- Fuldih, P.S.- Kauwakol, District- Nawadah Bihar.
44. Kamaluddin @ Amlaaddin son of Abdul Rauf Warsi, resident of Village- Akbarpur, P.O.- Rajhat, P.s.- Akbarpur, District- Nawadah Bihar.
45. Ishrat Bano daughter of Md. Islam, resident of Village- Akbarpur, P.O.- Rajhat, P.s.- Akbarpur, District- Nawadah Bihar.
46. Farhat Naaz daughter of Md. Kamruddin Ansari, resident of Village- Rasul Nagar, Gendpur, P.S.- Nawadah, District- Nawadah Bihar.
47. Sunila Kumari daughter of Ram Janam Singh Chauhan, resident of Village- Maropur, P.S.- Akbarpur, District- Nawadah Bihar.
48. Pramila Kumari daughter of Hari Nandan Prasad, resident of Village- Amawan, P.S.- Rajauli, District- Nawdah Bihar.
49. Priyanka Kumari daughter of Shashi Bhushan Kumar Sharma, resident of Village- Ohari, P.O.- Ohari, P.S.- Nawadah, District- Nawadah Bihar.
50. Sarita Kumari daughter of Sheolal Paswan, resident of Village - Daudpur, P.O. - Fatehpur, P.S. - Akbarpur, District - Nawadah Bihar.
51. Suchita Kumari daughter of Indradeo Prasad, resident of Village and P.O. - Amba, P.S.- Akbarpur, District- Nawadah Bihar.
52. Rubi Kumari daughter of Shri Deo Narain Upadhyay, resident of Village and



- P.O. - Poaari, P.S. - Harnaut, District - Nawadah Bihar.
53. Ratan Kumar son of Arjun Chaudhary, resident of Village - Barauli, P.S. - Narhat, District - Nawadah Bihar.
 54. Sanjeev Kumar son of Kedar Singh, resident of Village - Hasda, P.O. - Badhauna, P.S. - Hisua, District - Nawadah Bihar.
 55. Nrimala Kumari daughter of Kaushendra Kumar, resident of Village - Warat, P.O. - Saraye, P.S.- District- Nawadah Bihar.
 56. Sindhu Rani wife of Ram Anugrah Singh, resident of Village - Orahanpur, P.S. - Nawadah, District - Nawadah Bihar.
 57. Seema Kumari daughter of Ramlagan Singh, resident of Village - Baksanda, P.S. - Akbarpur, District - Nawadah Bihar.
 58. Baby Kumari daughter of Dasrath Chaudhary, resident of Village - Sanokhara, P.S. - Akbarpur, District - Nawadah Bihar.
 59. Arvind Kumar son of Janki Ram, resident of Village - Gangta, P.S. - Warsaliganj, District - Nawadah Bihar.
 60. Usha Kumari daughter of Badri Pandit, resident of Village - Gondapur, P.O. and P.S. - Nawadah, District - Nawadah Bihar.
 61. Ravindra Prasad son of Late Raghunandan Prasad, resident of Village - Bhubhi, P.O. - Sasrauda, P.S. - Nagarnausa, District - Nawadah Bihar.
 62. Rita Kumari daughter of Jagdish Prasad, resident of Village - Makdanbigha, P.S. - Chandi, District - Nalanda Bihar.
 63. Manorama Kumari daughter of Surendra Kumar, resident of Village - Pokhar, P.S. - Akbarpur, District - Nawadah Bihar.
 64. Simpal Kumari daughter of Parmeshwar Ram, resident of Village - Malikpur, P.O. - Nemdarganj, P.S. - Akbarpur, District - Nawadah Bihar.
 65. Nisha Sinha daughter of Anil Kumar, resident of Village and P.O. - Maldah, P.S. - Barbigha, District- Sheikhpura Bihar.
 66. Kanchan Kumari daughter of Surendra Kumar, resident of Village - Chiraiya, P.O. - Samwe, P.S. - Warsaliganj, District - Nawadah Bihar.
 67. Niwesh Kumar son of Sri Pankaj Kumar Singh, resident of Village and P.O. - Bajardih, P.S. - Jamui, District Bihar.
 68. Puja Kumari daughter of Jai Prakash Singh, resident of Village - Koriauna, P.S. - Sailao, District - Nalanda Bihar.
 69. Shyam Sundar Kumar Yadav son of Mabir Prasad Yadav, resident of Village - Pokhar, P.S. - Akbarpur, District - Nawadah Bihar.
 70. Anil Chaudhary son of Sri Bandhu Chaudhary, resident of Village - Samraitha, P.O. - Samrig, P.S.- Nawadah, District - Nawadah Bihar.
 71. Pushplata Kumari daughter of Dwarika Prasad, resident of Village - Mahuli, P.O. - Sisma, P.S.- Nawadah, District- Nawadah Bihar.
 72. Ranjeet Kumar son of Mahesh Prasad Singh, resident of Village and P.O.- Narhat, P.S.- Narhat, District- Nawadah Bihar.
 73. Rubi Kumari wife of Sita Ram, resident of Village- Mahabra, P.S.- Govindpur, District- Nawadah Bihar.



74. Uday Prabhakar son of Madan Mohan Pandey, resident of Village- Angar, P.S.- Ekangarsarai, District- Nalanda Bihar.
75. Arjun Chaudhary son of Narayan Chaudhary, resident of Village- Mahuar Khurd, P.O.- Shandhi, P.S.- Buniyadganj, District- Gaya Bihar.
76. Smita Kumari Daughter of Sri Sagar Mistri, resident of Village and P.O.- Mongal Kuan, P.S.- Biharsharif, District- Nalanda Bihar.
77. Rakesh Kumar son of Umesh Prasad Sharma, resident of Village- Ashta, P.O.- Ashta, P.S.- Tharthari, District- Nalanda Bihar.
78. Sunita Kumari daughter of Sita Ram, resident of Village- Mahavra, P.S.- Govindpur, District- Nawadah Bihar.
79. Ajay Kumar son of Sri Bhola Singh, resident of Village- Siuar, P.O.- Siuar, P.S.- Roh, District- Nawadah Bihar.
80. Rajnish Kumar son of Arvind Prasad Singh, resident of Village- Samrigarh, P.O.- Samrigarh, P.S.- Govindpur, District- Nawadah Bihar.
81. Uday Ram, son of Ramjit RAM, resident of Village- Sishar, P.S.- Muffasil, District- Gaya Bihar.
82. Aditya Narain Singh son of Shiv Nandan Singh, resident of Village- Sevaiya, Gopalpur, P.S.- Akbarpur, District- Nawadah Bihar.
83. Sushila Kumari daughter of Narain Prasad Singh, resident of Village- Jalalpur, Gunjachak, P.S.- Chandi, District- Nalanda Bihar.
84. Kushum Lata daughter of Krishnakant Chaudhary, resident of Village- Mosma, P.S.- Warsaliganj, District- Nawadah Bihar.
85. Karyanand Kumar son of Dayanand Singh, resident of Village and P.O.- Sangma, P.S.- Aliganj, District- Jamui Bihar.
86. Arun Ravidas son of Preman Ravidas, resident of Village- Dariyapur, P.O.- Dariyapur, P.S.- Warsaliganj, District- Nawadah Bihar.
87. Sanjay Kumar son of Ramautar Prasad, resident of Village- Bishay Bigha, P.S.- Ekangarsarai, District- Nalanda Bihar.
88. Kumari Anamika daughter of Ravindra Prasad, resident of Village- Bhagwanpur, P.S.- Chandi, District- Nalanda Bihar.
89. Pramila Kumari daughter of Harinandan Prasad Amawan, resident of Village- Rajauli, P.S.- Rajauli, District- Nawadah Bihar.
90. Satish Kumar son of Ramesh Prasad, resident of Village- Bhadauni, P.S.- Nawadah, District- Nawadah Bihar.
91. Rabindra Prasad, son of not known, Ex Block Education Officer, Block- Akbarpur, District- Nawadah at present residing at near Naulakha Mandir, Buxar, P.O. and P.S.- Buxar, District- Buxar Bihar.
92. Renu Devi daughter of Late Lalan Singh, wife of Pradeep Singh, Pramukh cum Chairman, Teachers Employment Commi
93. Anant Kumar, son of not known, Ex Block Education Officer, Block- Akbarpur, District- Nawadah, at p

... ... Respondent/s



Appearance :

For the Petitioner/s : Mr. Rajeev Verma, Sr. Adv.
Mr. Raju Giri, Adv.
Mr. Santosh Kumar Mishra
For the Respondent/s : Mr. Vinay Kirti Singh, GA-3
For Private Respondents : Mr. Banwari Sharma, Adv.
Mr. Amresh Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-06-2019

At the outset, it may be pointed out that the present order is being passed with the consent of all the parties.

2. The present case has a chequered history inasmuch as in the first round of litigation, the second phase of teachers' appointment of the year 2008, pertaining to the employment unit, Akbarpur, Block- Akbarpur, District Nawada was under challenge before the District Teachers Employment Appellate Authority, Nawadah by way of Appeal Case No. 222 of 2011 and Appeal Case No. 21 of 2012, filed at the behest of various unsuccessful candidates. The District Teachers Employment Appellate Authority, Nawadah by an order dated 7.11.2012 had found merit in the aforesaid appeals and directed for initiation of fresh selection process pertaining to the vacant posts of the year 2008 in connection with the Block Employment Unit, Akbarpur. It appears that the aforesaid order dated 7.11.2012 was not complied by the respondent State Authorities, which led to filing of a writ petition bearing CWJC No. 22260 of 2013, before this Court and a co-ordinate Bench of this Court by an



order dated 31.07.2014 directed the Employment Agency to comply with the aforesaid order of the learned District Teachers Employment Appellate Authority, Nawadah dated 7.11.2012 and take steps under the Rules for filling the available vacancies of the year 2008 afresh, in case the aforesaid order of the appellate authority is still in operation and has not been rescinded, recalled or reviewed till now.

3. It appears that in the meantime, certain unsuccessful candidates had also approached this Court by filing a writ petition bearing CWJC No. 8816 of 2013, however, a co-ordinate Bench of this Court by an order dated 14.7.2015 had directed such unsuccessful candidates to withdraw the writ petition and move the District Teachers Employment Appellate Authority, Nawadah, consequent whereof an appeal bearing Appeal No. 16 of 2015 was filed, however, the appellate authority by an order dated 28.9.2015 had abdicated from exercising its powers by not deciding the appeal on merits and instead, on the pretext that the original copy of the select list has not been filed and only photostat copy of the same has been filed, had refused to interfere in the matter and had dismissed the appeal on the said sole ground only.

4. This is how the matter has traveled to this Court



and now, the petitioners seek to challenge the order dated 28.9.2015 passed by the District Teachers Employment Appellate Authority, Nawadah.

5. The learned counsel for the respective parties are in agreement, apart from this Court also being of the opinion, that the District Teachers Employment Appellate Authority, Nawadah ought to have decided the appeal on merits and should not have summarily dismissed the appeal. It has also been pointed out that much water has flown in the meantime and the Vigilance has also lodged an FIR against the State authorities who have committed fraud and illegality, not only in the matter of issuance of select list but also in the process of issuance of appointment letter to the unsuccessful candidates.

6. Having regard to the facts and circumstances of the case and having considered the submissions made by the learned counsel for the parties, I deem it fit and proper to quash the order dated 28.09.2015, passed by the District Teachers Employment Appellate Authority, Nawadah, and remand the matter back to the District Teachers Employment Appellate Authority, Nawadah for reconsideration of the matter afresh on merits, upon grant of an opportunity of hearing to the respective parties.



7. It goes without saying that the petitioners would be at liberty to file additional affidavits, bringing on record all the documents/ select list etc. and the details about the events which have taken place during the interregnum period. It is further directed that the interim order dated 7.2.2018 passed by this Court in the present case to the effect that no payment of salary shall be made to the Block Teachers, who have obtained appointment pursuant to the selection process in question, shall continue till the final disposal of the appeal by the District Teachers Employment Appellate Authority, Nawadah.

8. The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.06.2019
Transmission Date	N/A

