

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22019 of 2013

-
-
1. Umesh Kumar S/O Shri Jai Ram Yadav Resident Of Village- Salempur, P.O.- Aghaila, P.S.- Mufassil Siwan, District- Siwan
 2. Pankaj Kumar Pal S/O Shri Arun Kumar Pal Resident Of Village- Jamunia, P.O.- Salehpur, P.S.- Bishambharpur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government Of Bihar, Patna
3. The Director, Primary Education, Government Of Bihar, Patna
4. The District Education Officer, Gopalganj
5. The District Teachers' Appointment Appellate Authority, Gopalganj, Through The Presiding Officer
6. The District Program Officer Establishment, Gopalganj
7. The Block Education Officer, Kuchaikot Block, District- Gopalganj
8. The Panchayat Elementary Teachers' Selection Committee, Gram Panchayat Raj Durg Matihaniya Kuchaiko
9. The Panchayat Secretary-Cum-The Secretary Of Panchayat Elementary Teachers' Selection Committee, Gr District- Gopalganj
10. Dharmsheela Kumari W/O Shri Pramod Singh And D/O Baleshwar Singh Resident Of Village- Khem Matihaniya, P.O.- Durg Matihaniya, P.S.- Kuchaikot, District- Gopalganj
11. Sunita Kumari W/O Subhash Ram And D/O- Nathuni Ram Resident Of Village- Khem Matihaniya, P.O.- Durg Matihaniya, P.S.- Kuchaikot, District- Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kishore Prasad, Adv.
For the State	:	Mr. Jay Prakash Sharma, AC to GP-21
For Private Respondent	:	Mr. Suresh Prasad Bhakta, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

9 14-08-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The present writ application involve the issue of



jurisdiction of the employment unit.

The facts are not in dispute that the appointment was made in different Gram Panchayat by the Mukhiya of different Gram Panchayat, such action is per se without jurisdiction and the appointee cannot derive any authority to continue on the post of Panchayat Shikshak on the basis of appointment made by the Mukhiya of another panchayat. At the same time the writ petition involve the issue of appointment against the roster point which is available for a different employment unit of a different panchayat. There are two gram panchayats, one is Durg Mathaniya and the other is Kala Mathaniya. The private respondents were appointed by the Mukhiya and Panchayat Employment Unit of Durg Mathaniya against the post in Gram Panchayat Kala Mathaniya whereas the petitioners were appointed in Kala Mathaniya but against the roster point originally mean for the employment unit Durg Mathaniya. From the aforesaid factual position it is manifest that the appointment of the respondents in Kala Mathaniya by the Employment Unit of Durg Mathaniya is without jurisdiction at the same time, the petitioner cannot derive any benefit of appointment in Durg Mathaniya against the roster point which was for Kala Mathaniya.



Considering the aforesaid, the writ application is disposed of with a direction to the Employment Unit of respective Kala Mathaniya and Durg Mathaniya to undertake fresh exercise of appointment, in the respective employment unit against the available roster point within a maximum period of three months from the date of receipt/production of copy of this order. Since, the order of the District Teachers Employment Appellate Tribunal suffers from the voice of non application of mind to the jurisdictional error the order of District Teachers Employment Appellate Tribunal contained in Annexure-6 is quashed. The respective Employment Unit of Durg Mathaniya and Kala Mathaniya are hereby directed to take appropriate decision with regard to the petitioners and respondents for appointment in the original selection process.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

mdrashid/-

U			
---	--	--	--

