

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9508 of 2011

Sanjay Kumar Rajak, son of Shri Shivpujan Rajak, resident of Gautam Budha Nagar, Gorna Road, Ara, Police Station-Nawada (Ara), District- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
3. The District Magistrate, Rohtas at Sasaram
4. The District Education Officer, Rohtas at Sasaram
5. The Member, District Teachers Appointment Appellate Authority, Rohtas (Sasaram)
6. Shivjee Ram, son of late Sakul Ram, resident of village-Nonar, Police Station-Piro, District-Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar
For the State	:	Mr. Sunil Kr. Mandal SC-3
		Ms. Neelam Kumari AC to SC-3
		Mr. Ravi Ranjan Kumar Sigh, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

11 11-03-2019 The present writ petition has been filed for quashing the order dated 15.04.2011 passed by the learned court of District Teachers Employment Appellate Authority, Rohtas at Sasaram passed in Case No. 125 of 2010 whereby and whereunder the case of the petitioner has been dismissed in limine on the ground that upon perusal of the certificates of the respective parties, it has transpired that while the petitioner is having aggregate marks of 54.67%, the private respondent, namely, Shivjee Ram is having more marks i.e. aggregate marks of 55.196 %.



The learned counsel for the petitioner has submitted that the petitioner had produced the tabulation chart annexed as Annexure-5 to the present writ petition, before the learned Appellate Authority to show that while the petitioner is having 54.58 % marks in aggregate, the private respondent no. 6 was only having 53.91 % marks in aggregate, if the various marks obtained by the respective candidates are taken into consideration pertaining to various levels of examination. It is submitted that the said tabulation chart has not at all been dealt with by the learned Appellate Authority, hence, it is required that the order dated 15.04.2011 be set aside and remanded back to the appellate authority for reconsideration of the matter.

Per contra, the learned Standing Counsel No. 3 submits that he does not have any objection if the matter is remanded back to the authority for reconsideration.

Nobody has appeared for the Respondent No. 6 to press the case of the Respondent No. 6.

Having regard to the facts and circumstances of this case, the present writ petition is allowed and the order dated 15.04.2011 passed by the Appellate Authority, Rohtas at Sasaram is set aside and the matter is remanded back to the said authority for reconsideration of the case of the petitioner as also



that of the private respondent no. 6 by considering the tabulation chart placed before this Court, afresh, without being prejudiced by setting aside of the impugned order dated 15.4.2011.

It is needless to state that the final order shall be passed by the authority within a period of twelve weeks from the receipt / production of a copy of this order, after hearing the petitioner as also the respondent no. 6.

(Mohit Kumar Shah, J)

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