

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1353 of 2016

In
Civil Writ Jurisdiction Case No.7481 of 2014

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Babita Kumari D/o Chandeshwar Yadav, W/o Saroj Kumar Kaibar, resident of village + P.O. Suggapatti, P.S. Phulparas, District – Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna
3. The Regional Deputy Director of Education, Tirhut Division, Darbhanga
4. The District Magistrate, Madhubani.
5. The District Education Officer, Madhubani
6. The District Programme Officer (Establishment), Madhubani
7. The Block Development Officer, Block - Jainagar, District - Madhubani
8. The Block Education Officer, Block - Jainagar, District - Madhubani
9. The Panchayat Secretary, Gram Panchayat Raj, Jainagar Basti, Block - Jainagar, District - Madhubani
10. The Mukhiya, Gram Panchayat Raj, Jainagar Basti, Block - Jainagar, District - Madhubani
11. The Headmaster, Government Girls School, Jainagar Basti, Block - Jainagar, District - Madhubani
12. The District Teachers Appointment Appellate Tribunal, District Madhubani through its Member.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Lakshmindra Kumar Yadav, Advocate
For the Respondent/s : Mr. M.M.H. Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

12 05-11-2019 Heard learned counsel for the appellant and learned
counsel for the respondents.

2. The appellant along with six others were appointed,



but later on, it was found that their appointment is illegal on account of the fact that there was no vacancy at all which led to termination of their service. Now today, an affidavit has been filed from the side of the State showing that there was no vacancy for appointment of this appellant and the counsel for the appellant does not dispute the factual aspect of the matter.

3. In such view of the matter, this Court does not find any merit in this appeal and the same is accordingly dismissed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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