

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12552 of 2013

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Sanjay Pandit S/O Sri Rama Pandit, Resident of Village P.O. - Bisai Bigha,
Police Station - Ekangarsarai, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Commissioner-Cum-Secretary, Primary, Secondary and Adult Education,
Bihar, Patna
3. The District Magistrate, Nalanda
4. Director, Primary Education, Bihar, Patna
5. District Superintendent of Education-Cum-District Programme Convenor ,
Nalanda, District - Nalanda
6. Sub-Divisional Officer, Hilsa Nalanda
7. Block Development Officer, Ekangarsarai, District Nalanda
8. Block Education Officer, Ekangarsarai, District - Nalanda
9. Mukhiya of Gram Panchayat Dhurgaon, Block Ekangarsarai, Distt. - Nalanda
10. Secretary of Gram Panchayat Dhurgaon, Block Ekangarsarai, P.S.
Ekangarsarai, Distt. Nalanda
11. Manoj Kumar Son of Raghunandan Prasad R/O Village - Murauradih, P.O.
Muraura, P.S. Biharsharif, District - Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Prasad
For the Respondent/s : Mr.Neeraj Nandan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 04-01-2019

The present writ petition has been filed for directing the respondents to consider the case of the petitioner for appointment on the post of Panchayat teacher under the E.B.C. category in Dhurgaon Panchayat under the Block Ekangarsarai, District Nalanda. The petitioner has further prayed for quashing the order dated 08.12.2018 passed by the District Teacher Appointment Committee, Biharsharif, Nalanda in Case No. 1154 of 2009.



2. The learned counsel for the petitioner has submitted that the petitioner is having higher percentage of marks as compared to the respondent no.11, who has been appointed ignoring the case of the petitioner. It is submitted that in the merit list, the name of the petitioner appears at serial no. 73/3 and his marks is shown as 69.33%, whereas the name of the respondent no.11 appears at serial no. 79/9 and his marks has been shown as 63.11%, however, still the respondent no.11 has been appointed.

3. It appears that the petitioner has approached this Court earlier and had challenged the order of the District Teachers Appointment Appellate Tribunal at Nalanda dated 19.06.2009 and this Court by an order dated 09.08.2012 passed in CWJC No. 13568 of 2012 had remanded the matter back to the said Tribunal for fresh hearing and disposal of the case in accordance with law on the ground that the Tribunal had not indicated brief satisfaction, after examining all the records, to the effect that the petitioner had participated/ not participated in the counseling. It appears that upon remand the matter was again heard by the District Teachers' appointment Appellate Authority, Nalanda and by an order dated 08.12.2012, the case of the petitioner has been rejected on the ground that the petitioner had not appeared for counseling on the fixed date as also on the ground that the petitioner herein had



failed to submit any reliable evidence regarding him having appeared in the counseling.

4. I have heard the learned counsel for the parties and I find from the records as also from the arguments advanced by the learned counsel for the parties that the petitioner has failed to produce any reliable evidence/ proof regarding him having appeared in the counseling and further the Tribunal has also come to a conclusion, after perusal of the records, that when the Tribunal had directed for re-counseling, the petitioner herein had failed to appear on the fixed date for the purposes of counseling.

5. Having regard to the aforesaid facts and circumstances, I do not find any merit in the present writ petition, hence, the present writ petition is dismissed, however, without any order as to costs.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.01.2019
Transmission Date	N/A

