

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15649 of 2019

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Bajmanti Kumari W/o Raj Kishore Prasad Resident of Village Beldari
Bigha,PO Mandach,PS Telhara,Dist.Nalanda at present working as Panchayat
teacher in Primary School Kaluachak,Prakhand Jehanabad,Dist.Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Education
Department,Govt. of Bihar, Patna
2. The Director, Primary Education,Govt. of Bihar, Patna
3. The State Appellate Authority (Education Department,Bihar), at Patna
4. The District Teacher Emploment Appellate Authority, Jehanabad through its
Member
5. The Member of District Teachers Employment Appellate Authority,
Jehanabad
6. The District Magistrate, Jehanabad.
7. The District Education Officer, Dist.Jehanabad
8. The District Programme Officer (Establishment Jehanabad)
9. The Block Education Officer, Jehanabad
10. The Mukhiya, Gram Panchayat Raj-Mande Bigha,Prakhand-Jehanabad
11. The Panchayat Secretary, Gram Panchayat-Mande Bigha,Prakhand-
Jehanabad
12. Mirdula Kumari W/o Praveen Mumar Resident of Village Makhdumpur,PS
Alipur,Dist.Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha, Advocate
For the Respondent/s : Smt. Binita Singh (Sc28)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 02-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is aggrieved by the decision of the
State Appellate Authority.

The State Appellate Authority on consideration of the
different aspects of the matter has approved the decision of the
District Teachers Employment Appellate Authority. The
petitioner is not in a position to dispute the factual position that



the marks obtained by the petitioner is lower than the private respondent No. 12. Her only grievance is that instead of approaching the State Appellate Authority, the respondent No. 12 has approached the High Court and thereafter the matter was remanded back to the District Teachers Employment Appellate Authority. The plea that the respondent No. 12 has not approached the State Appellate Authority and directly approached the High Court is not sustainable in view of the fact that ultimately the District Employment Appellate Authority on consideration of the entire gamut of the facts has held out that the marks obtained by the petitioner is less than the private respondent. The merit marks of the petitioner is 44.77% and the merit marks of private respondent is 59.55%.

In view of the above, the Court does not find any infirmity in the decision of the District Employment Appellate Authority as well as the State Appellate Authority. No case is made out for interference in exercise of powers of judicial review.

Accordingly, this writ petition is dismissed.

(Anil Kumar Upadhyay, J)

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