

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23344 of 2019

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Dilip Kumar Gupta Son of Late Manilal Resident of Village- Mohamdabad, Mirjan Hat, P.S.- Mujahidpur, District- Bhagalpur, Presently Posted as the Panchayat Secretary, Gram Panchayat Khai, Block Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director Primary Education, Education Department, Government of Bihar, Patna.
3. The Member District Teachers Appointment Appellate Authority, Bhagalpur.
4. The District Education Officer Bhagalpur.
5. The District Programme Officer (Establishment) Sitamarhi.
6. The Block Education Extension Officer Shahkund, P.S.- Shahkund, District- Bhagalpur.
7. The Block Development Officer Shahkund, District- Bhagalpur.
8. The Mukhiya Gram Panchayat, Khaira, Block- Shahkund, District- Bhagalpur.
9. Mrs. Rajda D/o Name not known to the Appellant The then Mukhiya, Gram Panchayat, Khaira, Block- Shahkund, District- Bhagalpur.
10. Mr. Jai Shankar Prasad S/o Name Not known to the Petitioner The then Panchayat Secretary Gram Panchayat, Khaira, Block- Shahkund, District- Bhagalpur.
11. The Headmaster Middle School Rajapur, Khaira Block- Shahkund, District- Bhagalpur.
12. Mr. Md. Muzaffar Alam S/o Md. Abubakar Panchayat Teacher, Primary School, Rampur Khaira, Block- Shahkund, District- Bhagalpur.
13. Md. Akbal Ansari S/o Md. Maqsood Ansari Panchayat Teacher, Primary School, Jamalpur, Block- Shahkund, District- Bhagalpur.
14. Sarita Kumari D/o Late Tarni Prasad Jha, W/o Mr. Dhananjay Thakur Resident of Village- Rampurdih, P.O.- Dariyapur, P.S.- Sajour, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
For the Respondent/s : Mr. Madanjeet Kumar (GP20)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER



2 26-11-2019 Heard the learned counsel for the petitioner and the State.

The impugned order has been passed by the State Appellate Authority in which one Sarita Kumari, one of the persons who was appointed as a Panchayat Teacher, was the appellant.

From the impugned order, it appears that the appointment of Sarita Kumari was challenged by Bibi Shabnam and others and the District Appellate Authority set aside the appointment of Sarita Kumari. The order of the District Appellate Authority was challenged before the State Appellate Authority, wherein the claim of the aforesaid Sarita Kumari was found to be justified and her appeal was allowed. The order passed by the District Appellate Authority, Bhagalpur was set aside and it was directed that Sarita Kumari be re-employed on the post on which she had been working prior to the order having been passed by the District Appellate Authority, Bhagalpur.

It appears that the then Panchayat Secretary, Gram Panchayat Khairā, who along with the concerned



Mukhiya had issued notice to Sarita Kumari, who has been impleaded as Respondent No. 14 in this application, has challenged the order of the State Appellate Authority.

This Court fails to understand as to how the petitioner would have any locus to prefer a petition against the order passed by the State Appellate Authority when he is not aggrieved by the aforesaid order. The lis / dispute is between the Teachers, and the petitioner in his capacity as Panchayat Secretary cannot possibly be permitted to challenge the order passed by the State Appellate Authority.

The petitioner does not have any locus for preferring the present petition.

The petition is accordingly dismissed.

(Ashutosh Kumar, J)

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