

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23296 of 2019

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Asha Kumari Wife of Sri Manoj Kumar Mishra@Manoj Mishra Resident of
Village- Punarhiya, P.S. Bathnaha, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The District Education Officer, Sitamarhi.
3. The District Programme Officer(Establishment), Sitamarhi.
4. The Block Development Officer, Suppy, P.O. and P.S. Suppy, District-Sitamarhi.
5. The Block Education Officer, Suppy, P.O. and P.S. Suppy, District-Sitamarhi.
6. The Panchayat Secretary, Gram Panchayat Raj, Kothiya Rai, P.O. and P.S. Supply, District- Sitamarhi.
7. The Mukhiya, Gram Panchayat Raj, Kothiya Rai, P.O. and P.S. Supply, District- Sitamarhi.
8. Sri Kailash Panjiyar, the then Panchayat Secretary, Village and P.O.- Verma, P.S. Choraut, District- Sitamarhi.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Bipin Bihari Singh
For the Respondent/s	:	Mr.Kameshwar Kumar (Gp17)
		Mr.Arbind Kumar, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-11-2019 The petitioner has questioned the correctness of an order dated 17.05.2019 passed in Appeal No. 159 of 2019 by learned Chairperson, State Appellate Tribunal, Education Department, Bihar, whereby he has disposed of the petitioner's appeal in the light of an order dated 26.04.2019 passed in Appeal No. 127 of 2019 (Ajit Kumar Jha vs. State of Bihar and others), which arose out of same selection process for



appointment as Panchayat Teacher in Gram Panchayat Raj Kothiya Rai in the district of Sitamarhi in 2008.

The facts, as disclosed in the order of the appellate authority dated 26.04.2019, are not in dispute. Questioning the selection of Panchayat Teachers, a complaint was filed before the district authority, which was allowed by an order dated 06.04.2011 and entire employment procedure was directed to be undertaken afresh. Against the said order dated 06.04.2011, a writ application was filed before this Court giving rise to C.W.J.C. No. 7940 of 2011, which was disposed of by an order passed on 01.11.2014, setting aside the order dated 06.04.2011 passed by the district authority and remanding the matter back to the district authority for fresh consideration.

It transpires that the petitioner and others filed an appeal before the district authority, which was dismissed by an order dated 26.02.2014. The said order dated 26.02.2014 was again challenged before this Court by filing a writ application, giving rise to C.W.J.C. No. 8715 of 2014, which was dismissed by an order dated 07.09.2016. The Letters Patent Appeal, preferred against the said order dated 07.09.2016 passed in C.W.J.C. No. 8715 of 2014, was also dismissed on 30.03.2017. It transpires that aggrieved by the said order of dismissal dated



30.03.2017, this petitioner with one Priyanka Kumari had approached the Supreme Court by filing S.L.P. (Civil) No.17156 of 2017, which was disposed of by an order dated 12.01.2018 with the following observation : -

“Learned counsel for the petitioner submits that the facts as recorded by the Tribunal and the High Court that the petitioner did not participate in the counselling is factually wrong. If that be so, it is for the petitioner to take appropriate steps to correct that error apparent on the face of the record.

Without prejudice to such liberty, this Special Leave Petition is disposed of.”

Learned counsel appearing on behalf of the petitioner has submitted that while dismissing the petitioner’s appeal, the appellate authority has wrongly applied the order passed in Appeal No. 127 of 2019 dated 26.04.2019, because appellant of that case had not preferred any Special Leave Petition before the Supreme Court. Learned counsel for the petitioner has argued that the petitioner, in fact, had filed Special leave Petition before the Supreme Court and, therefore, the order dated 26.04.2019 could not be said to be having any application in her case.

In my opinion, the said contention on behalf of the petitioner does not make any difference. The order passed by the district authority dated 26.02.2014 was not interfered with either



in the writ proceeding or in the proceeding under the letters patent appellate jurisdiction of this Court.

It further appears that the only observation, which was made by the Supreme Court, was for the appellants before the Supreme Court to take appropriate steps to correct an error, which, according to petitioners, was apparent on the face of the record.

The impugned order, in my view, does not require any interference in the facts and circumstances relating to a selection process initiated in 2004.

This application is dismissed.

(Chakradhari Sharan Singh, J)

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