

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1531 of 2014

In

Civil Writ Jurisdiction Case No.8091 of 2013

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Kumari Gulab W/O Jogendra Paswan, Resident of Village and P.O - Hathapur
Parsa, P.S - Basopatti, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The District Education Officer, Madhubani
4. The District Teachers Employment Appellate Authority, Madhubani
5. The Secretary, District Teachers Employment Appellate Authority, Madhubani.
6. The Block Education Officer, Basopatti, P.S - Basopatti, District - Madhubani
7. The Panchayat Secretary, Gram Panchayat Raj, Hathapur Parsa, Prakhand + P.S - Basopatti, Distt – Madhubani.
8. The Mukhiya, Gram Panchayat Raj, Hathapur Parsa, Prakhand + P.S - Basopatti, District - Madhubani.
9. Janak Devi, W/o Sri Lakshman Prasad Yadav, Resident of Village - Manpatti, P.O - Hathapur, P.S - Basopatti, District - Madhubani

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ratanakar Jha
For the Respondent/s : Ms. Smriti Singh

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH)

Date : 10-12-2020

Heard learned counsel for the appellant and
learned counsel for the State.



2. The present appeal has been filed against the order dated 25-08-2014 passed in C.W.J.C. No. 8091 of 2013 by a Bench of this Court, whereby, order dated 08-01-2013 issued under the signature of the District Teacher Employment Appellate Authority, Madhubani cancelling the appointment of the writ petitioner (Janak Devi) was set-aside and writ petition was allowed with all the consequential benefits.

3. Short facts of the case is that an advertisement was published in the year 2004 for the post of Panchayat Shiksha Mitra in the Gram Panchayat Raj, Hathapur Parsa, Prakhand – Basopatti, District – Madhubani. Pursuant to the advertisement, number of applicants, including the appellant and Respondent no. 9, having requisite qualification, applied for the aforesaid post within the stipulated period and thereafter, a merit list was prepared on 05-06-2005 and writ petitioner Janak Devi (Respondent no. 9 in the present appeal) was selected and directed to join as Panchayat Shiksha Mitra in the Primary School, Musohari Hathapur, Prakhand – Basopatti, District – Madhubani, vide Annexure – 6 to the writ application.

4. In the present appeal, the sole contention of the appellant is that Respondent no. 9 (writ petitioner Janak Devi), belonging to backward caste, has been appointed against a vacancy



reserved for scheduled caste and hence, her appointment is bad and contrary to roster point.

5. On a careful consideration of contention of appellant and materials available on record, it is apparent that appellant has not alleged or placed any material that Respondent no. 9 has obtained her appointment on the post of Shiksha Mitra by misrepresentation or playing fraud on the State. In absence of same, only on the ground of procedural infirmity in selection process, the appointment of Respondent no. 9 can not be held to be bad. Moreover, the Respondent no. 9 has been working on the said post for the last 15 years.

6. In view of above discussion, we do not find any infirmity or error in the impugned order dated 25-08-2014 passed in C.W.J.C. No. 8091 of 2013 by learned Single Judge. Accordingly, this appeal is dismissed and order of learned Single Judge is upheld.

(Sanjay Karol, CJ)

(Prabhat Kumar Singh, J)

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CAV DATE	
Uploading Date	15.12.2020
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