

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1260 of 2016

In
Civil Writ Jurisdiction Case No.5805 of 2014

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Punita Singh Wife of Sri Birendra Kumar Singh Resident of Village - Rampur
Aami, P.S. Dighwara, District – Saran.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar.
2. The Principal Secretary, Education Department, Government Of Bihar,
Patna
3. The District Magistrate, Saran
4. The District Development Commissioner, Saran
5. The District Education Officer, Saran
6. The Block Development Officer - Cum - Executive Cum Member Block
Teachers Selection Committee, Dighwara, Saran.
7. Block Education Extension Officer, Dighwara, District - Saran
8. Pramukh, Panchayat Samiti Dighwara, District - Saran
9. Member, Zila Sikshak Niyozan Apilya Pradhikar, Saran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Krishna Kant Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 03-02-2020

Heard learned counsel for the parties.

In this case, the appellant had applied for the post of
Block Teacher, Dighwara, Saran, Chapra in the category of female
general handicapped (hearing impaired) untrained category/quota
and, for that, the roster point was 39-U.R. which was shown as



vacant which is reserved for Dumb-impaired candidates, despite that, the petitioner has not been appointed.

It has been claimed that the Tribunal had called for the records, when the records were not produced, in such circumstances, the Tribunal shifted the onus upon the appellant and refused to grant the relief. It has further been submitted that learned Single Judge, without examining the merit of the case, has decided the issue as the case of the appellant was required to be considered on the basis of rules prevalent at the relevant time not in subsequent rule made therein. So, this aspect has not been taken care of and without discussing the same, the impugned order has been passed.

The State has submitted that already the Tribunal for such dispute has been constituted and he should first approach to the Tribunal, if, the order goes against her, she would have liberty to come before this Court.

The order of the learned Single Judge is not happily worded, has not dealt with the issue on merit. Accordingly, the order of the learned Single Judge is set aside but, instead of relegating the matter to the Single Bench, as the appellate forum has been constituted the Tribunal, the appellant, if so desires, may challenge the order of the Tribunal and settle the dispute before the



State Appellate Authority. If such an appeal is filed before the State Appellate Authority within a period of two months, the Authority, while considering the issue of delay or laches, will take into account the pendency of the case before this Court.

This appeal is accordingly disposed of.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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