

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25201 of 2019

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Baby Kumari, Daughter of Shri Hare Ram Singh, Wife of Shri Rajnish Kumar, Resident of Village-Bishnupur Chand, Malhipur Uttari, Post Office-Barauni Thermal Power Station, Police Station-Barauni, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Begusarai.
5. The District Education Officer, Begusarai.
6. The District Programme Officer (Establishment), Begusarai.
7. The Block Development Officer, Barauni, District-Begusarai.
8. The Block Education Officer, Barauni, District-Begusarai.
9. The Mukhiya of Gram Panchayat Raj Malhipur Uttar, Block-Barauni, District-Begusarai.
10. The Panchayat Secretary of Gram Panchayat Raj Malhipur Uttar, Block-Barauni, District-Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Jitendra Kumar Roy 1 (Sc13)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-01-2020 Heard both sides.

2. Petitioner in this writ petition seeks quashing of order dated 31.05.2013 passed in Case No.04 of 2012 by which the learned Member, District Teachers Employment Appellate Authority, Begusarai rejected the claim of the petitioner for her appointment on the post of Panchayat Teacher in Gram Panchayat Raj Malhipur Uttar, Block-Barauni, District-



Begusarai and further to quash order dated 07.09.2018 passed by the Chairperson, State Appellate Authority, Patna in Appeal No.72 of 2018 by which the State Appellate Authority rejected the claim of the petitioner and dismissed the appeal.

3. Learned counsel for the petitioner submits that the petitioner applied for her appointment on the post of Panchayat Teacher in the year 2008 under the Bihar Panchayat Elementary Teachers' (Employment and Service Conditions) Rules, 2006 as amended by notification dated 25.08.2008. The petitioner claimed to have participated in the counseling. The petitioner was found her name in the merit list at serial no.13. The petitioner secured 74.54 % marks but unfortunately the appointment letter was not issued to the petitioner.

4. Learned counsel for the petitioner further submits that the petitioner filed petition before the District Teachers Employment Appellate Authority, Begusarai on 06.02.2012 bearing Case No.04 of 2012. The District Teachers Employment Appellate Authority, Begusarai called for records but the Mukhiya and the Panchayat Secretary of Gram Panchayat Raj Malhipur Uttar, Block-Barauni, District-Begusarai reported that the then Mukhiya and the Panchayat Secretary did not hand over any paper with regard to second round appointment of



panchayat teachers. The District Teachers Employment Appellate Authority also directed the District Panchayat Raj Officer and the District Magistrate to furnish the relevant documents. Even charge was immediately taken over by the order of the District Panchayat Raj Officer but no document was found with regard to the selection and appointment of second round panchayat teachers in Gram Panchayat Raj Malhipur Uttar, Block-Barauni, District-Begusarai and consequently the District Teachers Employment Appellate Authority held that in absence of any original paper with regard to the selection and completion of second round panchayat teachers, the petitioner cannot be appointed. The petitioner filed appeal before the State Appellate Authority and learned Chairperson, State Appellate Authority dismissed the appeal holding that from the averments made by the petitioner, the process of appointment of second round panchayat teachers appears to have been completed by 14.08.2010 but the petitioner kept mum, although the petitioner is required to file petition before the District Teachers Employment Appellate Authority within thirty days from the date of completion of appointment process. The petitioner filed the petition before the District Teachers Employment Appellate Authority only after 16 months. The petitioner could not be able



to show that any person below her in the merit list was appointed. Even the petitioner could not be able to show that any vacancy was existing and, therefore, mere preparation of merit list does not give any right to the petitioner to be appointed on the post of panchayat teacher. It is further held that third round panchayat teachers' appointment was also taken up in the year 2012 and completed thereafter.

5. Learned counsel for the petitioner further submits that there is no fault on the part of the petitioner. The petitioner was selected but she was kept waiting for appointment as the then Mukhiya and the Panchayat Secretary gave her false assurance causing inordinate delay in filing the petition. One Pankaj Kumar was appointed from the same merit list, who secured higher merit marks than the petitioner, and the petitioner should have also been appointed as there was vacancy in the school but I find that there is no original document or any other document produced by the petitioner to show that the petitioner was selected for appointment on the post of panchayat teacher in the second round appointment process taken up in the year 2008. The rule prescribes that after completion of selection of Panchayat Teachers, if a person has got any grievance, he or she may file a petition before the District Teachers Employment



Appellate Authority within thirty days but the petitioner filed petition before the District Teachers Employment Appellate Authority only after lapse of 16 months, that too, when no document was produced showing process of second round appointment of panchayat teachers. Even thereafter, third round of panchayat teachers appointment process was taken up in the year 2012 under third amended rule and only thereafter the petitioner filed petition, that too, without any authenticated document for her selection in the second round.

6. Having considered the facts aforesaid, I find no merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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