

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1062 of 2020

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Banti Lal Sahni S/o Late Lal Mohan Sahni Resident of Village- Sirauli, P.S.-
Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate East Champaran at Motihari.
4. The District Appellate Tribunal, East Champaran at Motihari.
5. The District Superintendent of Education-cum- District Programme Officer
East Champaran, Motihari.
6. The Block Development Officer Block- Mehsi, District- East Champaran.
7. The Block Education Extension Officer Block- Mehsi, District- East
Champaran.
8. The Panchayat Sachiv (Panchayat Secretary) Gram Panchayat Raj
Bhimalpur, Block- Mehsi, District- East Champaran.
9. The Mukhiya Gram Panchayat Raj Bhimalpur, Block- Mehsi, District- East
Champaran.
10. Mukesh Kumar Sah Son of Yadolal Sah Resident of Bank Road Mehsi, P.S.-
Mehsi, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shambhu Sharan Singh
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey (AAG 15)
		Mr. Prabhat Ranjan Singh, A.C. to A.A.G. 15

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-01-2020 Heard both sides.

The petitioner filed this writ petition for quashing the order dated 13.09.2019 passed by the learned Chairman, State Appellate Authority in Appeal No.325 of 2019 and the order dated 06.03.2019 passed by the District Appellate Authority, East Champaran, Motihari in Case No.1027 of 2017 by which the appeal as well as the petition of the petitioner for his



appointment on the post of Teacher in place of Mukesh Kumar Sah(respondent No.10) has been rejected.

Learned counsel for the petitioner submits that petitioner was one of the applicants for appointment to the post of Panchayat Teacher in the year 2006 but the petitioner was not appointed. Respondent No.10 was appointed on the post of Teacher who has got less marks than the petitioner. The name of Mukesh Kumar Sah did not appear in the panel and his name was subsequently inserted but the District Appellate Authority as well as the State Appellate Authority rejected the petition of the petitioner only on the ground that the petitioner did not file appropriate petition before the appropriate authority within 30 days from the date of appointment of respondent No.10 or preparation of the panel. It is submitted that petitioner filed the petition before the Block Development Officer on 26.12.2006 and the same petition was kept pending before the Block Development Officer. When the petition of the petitioner was not considered the petitioner filed petition before the Appellate Authority. The Appellate Authority found that the contention of the petitioner that he filed the appeal before the Block Development Officer is not substantiated by any documents and the documents appeared to be forged. The petitioner raised the



objection with regard to appointment of Teacher made in the first phase that too after many years. The State Appellate Authority has dismissed the appeal of the petitioner that objection raised with regard to the appointment of first phase of Teachers either in 2009 or 2010 cannot be entertained.

I find no substance in the submission of the learned counsel for the petitioner that the petitioner was left out from the consideration of selection on illegal ground. Had the petitioner was left out, the petitioner would have raised dispute within the appropriate time before the appropriate authority.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the same is dismissed.

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(Prabhat Kumar Jha, J)

