

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1068 of 2014

In

Civil Writ Jurisdiction Case No.21758 of 2012

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Sheikh Arif @ Md. Arif Son of late Haji Ali Akbar, Resident of village -
Raghunathpur, P.O. Bairiya, P.S. Amdabad, District - Katihar.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
2. The District Magistrate Cum Collector, Katihar.
3. The District Education Officer, Katihar.
4. The District Superintendent of Education, Katihar.
5. The Block Development Officer, Kadwa Block, Katihar.
6. The Block Education Extension Officer, Kadwa, Katihar.
7. The Member District Teachers Selection Appellate Tribunal, Katihar.
8. The Mukhiya, Gram Panchayat Secretary, Gram Panchayat Raj Tetaliya, Kadwa, Katihar.
9. The Panchayat Secretary, Gram Panchayat Raj Tetaliya , Kadwa, Katihar.
10. Smt. Najma Khatoon Wife of Sri Zainul Abedin the then Mukhiya, Gram Panchayat Raj Tetaliya, Kadwa, Katihar.
11. Ghulam Md. Jeelani Ashraf, Son of late Abdul Jabbar, R/O Village - Bobra Via - Salmari, P.S. Kadwa, District - Katihar.
12. Monazir Siddiqui, Son of Sri Zainul Abedin, R/o village Taiyabpur, Kurhela Bobra, P.S. Kadwa, District Katihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Md. Helal Ahmad, Advocate
For the State	:	Mr. Md. N. Hoda Khan, SC-1
For Respondent no. 11-12 :		Mr. Shailesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-01-2021

The present appeal has been filed against the
judgment dated 16.05.2014 passed by a learned Single Judge of



this Court in **C.W.J.C. No. 21758 of 2012**, titled as **Ghulam Md. Jeelani Ashraf Vs. The State of Bihar & Ors.**

The challenge laid in the present appeal is limited to the observations made against the present appellant who was party-respondent in the writ petition, on the ground that the present appellant was never noticed, and as such, the observations made are without affording opportunity of hearing.

We are in agreement with such submission made by the learned counsel for the appellant but that would not mean that the judgment needs to be interfered with on that count, for the process of selection and appointment cannot be held to be illegal in any manner.

As such, we are not inclined to set aside that part of the order whereby direction stands issued for initiating departmental proceeding against the appellant. In fact, we are of the considered view that such proceedings be initiated against all such persons who were involved in the process of selection and appointment.

As such, we dispose of the present appeal clarifying that the observations made in the impugned judgment in so far as it relates to the act and conduct of the present appellant are concerned, shall not come in the way of the conclusion of the



proceedings.

Needless to add, the departmental proceedings shall be conducted and concluded within a time bound period. Since the matter relates to the year 2012, we direct that the said proceedings be concluded within a period of six months, after affording opportunity of hearing to the parties.

The present appeal stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Anjani Kumar Sharan, J)

Amrendra/P.K.P.

AFR/NAFR	
CAV DATE	
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