

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.680 of 2019

In

Civil Writ Jurisdiction Case No.10049 of 2019

Sanjay Kumar S/o Mahadeo Das Resident of Village- Nazari, P.O. and P.S.
Laxmipur, District- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate Jamui
4. The District Education Officer, Jamui Dist. Jamui
5. The District Programme Officer, Establishment, Jamui
6. The District Teachers Appointment Appellate Authority, Jamui
7. The Block Education Officer, Laxmipur, Dist.-Jamui
8. The Mukhia-cum-Chairman, Panchayat Teachers Selection Committee, Gram Panchayat Raj, Nazari, Block.
9. The Panchayat Secretary, Gram Panchayat Raj, Nazari, Block- Laxmipur, Dist.-Jamui
10. Shambhu Sharan Das S/o Baldeo Ravidas Resident of Mohanpur, P.O. Matia, Block Laxmipur, Dist. Jamui presently appointed as Panchayat Teacher in Primary School, Jogia, Block- Laxmipur, Dist.-Jamui
11. The State Appellate Authority, Bihar, Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indu Bhushan, Adv
For the Respondent/s : Mr. AC to A.G

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(HONOURABLE MR. JUSTICE S. KUMAR)

Date : 10-02-2021

Heard learned counsel for the parties.

This LPA under Clause 10 of Letters Patent Appeal has
been preferred for setting aside the judgment and order dated



06.05.2019 passed in CWJC No. 10049 of 2019.

Briefly stated, the facts of the case is that applications were invited in the year-2008 for appointment on 10 post of Panchayat Teachers of which 1 post of Panchayat Teacher was reserved for Scheduled Caste category in Gram Panchayat- Raj-Nazari, Block-Laxmipur, District-Jamui.

It is alleged that Respondent No. 10 was illegally appointed on the post of Panchayat Teacher by the Mukhiya as he was his relative and Appellant was not called for counselling although he had better marks than the appointed candidates.

Appellant filed CWJC No. 7014 of 2016 for setting aside the appointment of respondent no. 10 and also filed an appeal dated 18.07.2016 before the District Appellate Authority, Jamui, giving rise to case No. 13 of 2016, however, same was rejected by the District Appellate Authority, by its order dated 18.10.2016.

Appellant challenged the order dated 18.10.2016 passed by Tribunal by filing an interlocutory application in pending CWJC No. 7014 of 2016 and same was allowed vide order dated 02.11.2017 and order of the Tribunal dated 18.10.2016 was set aside and matter was remanded to the Tribunal, to hear the matter afresh and on remand case was re-registered as Case



No. 22 of 2017.

Respondent No. 10 filed an LPA being LPA No. 1465 of 2017 against the order dated 02.11.2017 passed in CWJC No. 7014 of 2016 and by order dated 17.05.2018 passed by the Division Bench the order passed by learned Single Judge was set aside and the matter was remanded to writ Court for fresh consideration and after hearing both the parties the writ Court disposed of writ petition by order dated 31.01.2019 passed in CWJC No. 7014 of 2016 giving liberty to Appellant to approach the State Appellate Authority, Patna, against the order dated 18.10.2016 passed by the District Appellate Authority.

Appellant filed an appeal before the State Appellate Authority, Bihar, giving rise to Appeal No. 88 of 2019 and same was dismissed by order dated 18.02.2019, against which Appellant preferred writ petition giving rise to CWJC NO. 10049 of 2019, which was dismissed by learned Single Judge by order dated 06.05.2019 as impugned in this Appeal

Learned Single Judge has held that process of selection started in the year 2008 and got concluded on 14.08.2008 and Appellant approached the District Appellate Authority, in the year 2016 challenging the appointment of selected candidate (respondent no. 10) as well as preventing him to participate in



the counselling, as such there was inordinate delay by the Appellant in approaching the Authority whereas appeal is to be filed within 30 days, and as such, the District Appellate Authority, dismissed the case of Appellant and on appeal before the State Appellate Authority, Patna, same was dismissed on merits as well as on account of delay and latches.

After hearing the parties and considering the materials available on record, this Court does not find any infirmity or error in the order passed by the learned Single Judge requiring any interference by this Court.

Accordingly, the LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2021
Transmission Date	NA

