

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.965 of 2019

In

Civil Writ Jurisdiction Case No.15649 of 2019

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Baijmanti Kumari W/o Raj Kishore Prasad Resident of Village Beldari Bigha,
P.O. Mandach, PS Telhara, Dist. Nalanda at present working as Panchayat
teacher in Primary School Kaluachak, Prakhand Jehanabad, Dist. Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The State Appellate Authority (Education Department, Bihar) at Patna.
4. The District Teachers Employment Appellate Authority, Jehanabad through
its Members.
5. The Members of District Teachers Employment Appellate Authority,
Jehanabad
6. The District Magistrate, Jehanabad
7. The District Education Officer, District- Jehanabad
8. The District Programme Officer (Establishment), Jehanabad
9. The Block Education Officer, Jehanabad
10. The Mukhia, Gram Panchayat Raj- Mande Bigha, Prakhand- Jehanabad
11. The Panchayat Secretary, Gram Panchayat- Mande Bigha, Prakhand-
Jehanabad
12. Mirdula Kumari W/o Praveen Kumar, Resident of Village- Makhdumpur,
P.S.- Alipur, District- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Tej Bahadur Singh, Sr. Advocate Mr. B. Sharan pandey, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey (Aag15)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 24-02-2021

Heard the parties.

Aggrieved by the judgment and order dated



02.08.2019 passed in C.W.J.C. No.15649/2019 passed by learned Single Judge of this Hon'ble Court dismissing the writ petition, the appellant has preferred this LPA.

Appellant Baijmanti Kumari as well as respondent no.12, Mridula Kumari had applied for the post of Panchayat Teacher in Gram Panchayat Mande Bigha under Jehanabad district. Appellant Baijmanti Kumari on basis of her marks obtained in Intermediate examination and thereafter adding 20% weightage marks for her teaching experience, her merit marks was found to be 62.55% whereas, marks obtained by respondent no.12, Mirdula Kumari was 59.55% and, as such, appellant was appointed vide memo No. 20 dated 30.12.2010 and she joined primary school Kaluachak.

Respondent no.12, Mirdula Kumari challenged such appointment before the District Authority in case no.493 (16) / 2011, which was dismissed by order passed on 16.7.2011 against which, she filed writ petition being C.W.J.C. No.5314 of 2013 which was allowed and the order passed by the district authority was set aside and case was remanded for fresh consideration and on re-consideration by the district authority, the percentage marks of both were re-determined in light of judgment and order passed by this Hon'ble Court in which it



was clarified that 20 marks is to be added and not 20% marks for teaching experience to the marks obtained by a candidate in intermediate examination and thereafter the percentage has to be calculated and, thereafter, district authority found that total marks of Baijmanti Kumari comes to $383 + 20 = 403$ which is 44.77% whereas the percentage marks of respondent no. 12, Mirdula Kumari was 59.55% as initially calculated and found Mirdula Kumari, respondent no.12 to be above in the merit in terms of judgment and order passed by this Court.

Accordingly, the District Appellate Tribunal Jehanabad allowed the appeal on remand filed by Mirdula Kumari (respondent no.12) by order dated 10.4.2019 passed in supplementary complaint case No.67 / 2019 arising out of complaint case no.493 (16) / 2011 and appeal preferred by appellant Baijmanti Kumari was dismissed by the State appellate authority by order dated 3.7.2019 passed in appeal no. 231/2019 and writ petition filed by appellant Baijmanti Kumari being C.W.J.C. No.15649 of 2019 was dismissed by a learned Single Judge of this Court by order dated 2.8.2019 against which present LPA was preferred.

After hearing learned counsel for the parties and perusing the order passed by the learned Single Judge, affirming



the judgment and order passed by the District Appellate Authority as well as the State Appellant Authority, this Court does not find any error or infirmity in the order passed by learned Single Judge requiring any interference by this Court, accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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