

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1176 of 2019

In
Civil Writ Jurisdiction Case No.5836 of 2019

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Rita Devi @ Rita Kumari Wife of Bishnu Dayal Paswan Resident of Village-
Bhadaula, Police Station- Kudra, District- Kaimur.

... .. Appellant/s

Versus

1. The State of Bihar Through the Principal Secretary, Human Resources Development Department, New Secretariat Building, Bailey Road, Patna-800001.
2. The District Magistrate Rohtas at Sasaram.
3. The District Education Officer Rohtas (Sasaram).
4. The District Teachers Employment Appellate Tribunals Rohtas at Sasaram.
5. District Program Officer Rohtas (Sasaram).
6. The Block Development Officer Kargahar, District- Rohtas at Sasaram.
7. Block Education Officer Kharghar Block PO and PS- Khargahar, District- Rohtas.
8. The Mukhiya Gram Panchayat Ararua Block Kargahar, District- Rohtas at Sasaram.
9. The Panchayat Secretary Gram Panchayat Ararua Kargahar, District- Rohtas at Sasaram.
10. Sarita Devi Daughter of Sheo Parsan Paswan Resident of Village- Bhaluni, Post Office Ghordiha, Police Station- Kargahar, District- Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vasant Vikas, Adv
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 : 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



13.08.2019 passed in CWJC No. 5836 of 2019.

Briefly stated, the facts of the case is that Appellant(Rita Kumari) and Respondent No. 10 (Sarita Devi) had applied in the year-2008 for appointment on the post of Panchayat Teacher under Scheduled Caste Category (Female) along with intermediate, caste and experience certificate before Gram Panchayat Ararua, Block-Kargahar, District-Rohtas, and Respondent No. 10 (Sarita Devi) was appointed, against which Appellant preferred appeal giving rise to Case No. 561 of 2009 which was dismissed by order dated 20.07.2009 by the District Appellate Authority, Rohtas, and against which Appellant preferred writ petition before Hon'ble High Court being CWJC No. 15373 of 2009 which was allowed by order dated 20.07.2009 and matter was remitted back to the District Appellate Authority, Rohtas for fresh consideration and thereafter appeal of Appellant was allowed by order dated 30.06.2014 passed by District Appellate Authority, Rohtas, which directed for preparation of fresh merit list against Scheduled Caste Category (Female) and make appointment thereafter and fresh merit list was prepared accordingly and Appellant was appointed vide order dated 24.06.2014.

Respondent No. 10 did not participate in the fresh



counselling and subsequently challenged the appointment of Appellant by filing appeal before the District Appellate Authority, Rohtas, being Appeal No. 6 of 2013, which was dismissed by order dated 30.09.2014 against which Respondent No. 10 preferred appeal before the State Appellate Authority, Rohtas, being Appeal No. 77 of 2018, which was also dismissed, against which, Respondent No. 10 filed writ petition being CWJC No. 5836 of 2019, which was allowed by learned Single Judge by order dated 13.08.2019, against which present LPA has been filed.

In Appeal No. 6 of 2013, in order dated 30.06.2014, the percentage marks of Rita Devi has been determined as marks obtained in intermediate as 408 out of 900 which comes to 45.33% and thereafter, 20 per cent marks has been added for teaching experience which makes her percentage marks as 65.33, against which Sarita Devi filed appeal before the State Appellate Authority, being Appeal No. 77 of 2018, which was dismissed by order dated 17.08.2018. However, her writ application was allowed as 20 per cent marks was wrongly added in percentile marks of Rita Devi which is in teeth of judgment and order passed by a Division Bench of this Court in the case of **Chhotelal Chaudhary Vs. The State of Bihar &**



Ors, since reported in **2014(3) PLJR 606**, in which it has been clarified that for teaching experience 20 marks is to be added in intermediate marks and then percentile marks is to be determined and not 20% will be added in the percentile marks of intermediate.

The petitioner Sarita Devi had obtained 499 marks in intermediate out of 900 and therefore, her percentage marks is 54.5% and even 20 marks is added in the percentage marks of Rita Devi in terms of High Court judgment her percentage has to be calculated as $408+20 = 428$ which is 47.55 percent , which is less than percentage marks obtained by Sarita Devi.

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 present LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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