

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21495 of 2019

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Mamata Kumari, Wife of Sri Yogendra Kumar, Resident of Sri Ram Nagar,
Hajiyapur, Ward No. 26, P.s. Gopalganj Town, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Education Department,
Government of Bihar, New Secretariat, Patna.
2. The District Education Officer, Gopalganj.
3. The District Programme Officer (Establishment), Gopalganj.
4. The Block Education Officer, Phulwariya, District-Gopalganj.
5. The Headmaster, New Primary School, Manjha Chaturbhuji, Anchal-
Phulwariya, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shyama Kant Singh, Advocate Mr. Bipin Bihari Singh, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 24-11-2021

Heard Mr. Shyama Kant Singh, learned Advocate
for the petitioner and Mr. Sanjay Kumar, learned AC to
GP-23 for the State.

The petitioner was an applicant in the first phase
of Panchayat Teacher appointment process in the year
2006. Her name was included in the merit list which was
published before the counselling. One Supriya Rai was
appointed as a Teacher from amongst the merit list. On
her resignation from the post of the Teacher, the petitioner



approached the District Teachers Employment Appellate Authority, Gopalganj for her employment against the vacancy which has been caused against the aforesaid resignation. The District Teachers Employment Appellate Authority, Gopalganj appears to have allowed such prayer without following the guidelines in that regard or seeking instructions from the Education Department.

The law with regard to filling up of the vacancy after the joining because of resignation is very clear. Such vacancies cannot be filled up from amongst the panel which had lost its life after the process of selection was over.

The petitioner has approached this Court for a direction to the respondent authorities to pay the salary for the period that she shall be deemed to be working as a Teacher because of the order passed by the District Teachers Employment Appellate Authority.

The learned counsel for the State, however, has pointed out that against the order passed by the District



Teachers Employment Appellate Authority, the State has preferred an appeal before the State Appellate Authority which is likely to be disposed of within a period of three months. The petitioner must await the decision of the State Appellate Authority before pressing this petition.

In the aforesaid circumstances, the petition is disposed off with observation that in case the petitioner stands dissatisfied with the order passed by the State Appellate Authority, she may approach the appropriate forum including this Court, if so desired.

With the aforesaid direction/observation, the writ petition stands disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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