

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18174 of 2018

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Ashok Kumar Mahto Son of Shree Munshi Lal Mahto, Resident of Village-
Ekdara, P.S.-Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna
3. The Member, District Teachers Employment Appellate Tribunal, Samastipur.
4. The District Programme Officer, Establishment, Samastipur.
5. The Block Education Officer, Dalsinghsarai, Samastipur
6. Mukhiya, Bambaia Har Lal Gram Panchayat, Dalsinghsarai, Samastipur.
7. Panchayat Secretary, Bambaia Har Lal Gram Panchayat, Dalsinghsarai, Samastipur.
8. Virendra Prasad Choudhary Son of Rajendra Prasad Choudhary, Resident of Village-Narban, P.O.-Chakvedulia, Via-Bibhutipur, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the State : Mr. Pramod Kumar Singh, AC to SC16

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 10-10-2022

1. Heard the parties.

2. The petitioner challenges the order passed by the State Appellate Authority as well as District Appellate Authority, whereby the appointment of the petitioner has been found to have been made fraudulently and by way of manipulation and fabrication.

3. Learned counsel submits that, if the selection was conducted by manipulation and fabrication and other teachers, who have been appointed along with the petitioner should also

be removed, while others have been allowed to work, the appointment of the petitioner has been cancelled.

4. I have considered the submission, the factual findings arrived at by the District Appellate Authority as well as the State Appellate Authority be not be interfered with in writ jurisdiction under Article 227 of the Constitution of India.

5. Keeping in view thereto, no interference is warranted in the order relating to the declaration of appointment of the petitioner as illegal and subsequent cancellation of his employment.

6. So far as other persons appointed by the Panchayat Secretary, Gram Panchayat Bambaiya Har Lal Gram Panchayat, Dalsinghsarai are concerned, it is for the State Government to take appropriate steps on the basis of the conclusion arrived at by the District Appellate Authority as well as the State Appellate Authority. They are free to take appropriate action after giving of course an opportunity of hearing to the concerned teachers, who were appointed by manipulation and fabrication as observed by the State Appellate Authority. However, there is no concept of negative equality under Article 14 of the Constitution of India and, therefore, no benefit can be accrued to the petitioner on account of wrongfully continuance of others.

7. In view thereof, the submissions of the learned counsel for the petitioner is rejected. The writ petition is found to be devoid of merits and accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 16

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