

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9143 of 2015

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Kanchan Rani, daughter of Nagendra Yadav, resident of village- Chakballi,
P.O. and P.S. Barauni Refinery, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Secretary, human Resources Development Department, Government of Bihar, Patna.
2. The Presiding Officer, District Appellate Authority, Begusarai.
3. District Magistrate, Begusarai.
4. Block Development Officer, Barauni, Begusarai.
5. Block Education Extension Officer, Barauni, Begusarai.
6. The Mukhia, Panchayat Raj, Noorpur, Barauni, District- Begusarai.
7. Panchayat secretary, Panchayat Raj Noorpur, Begusarai.
8. Minakshi Guta, wife of Shri Naresh Kumar Gupta, resident of village- Mahna Narainpur, P.O. and P.S. Barauni Refinery, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.V.M.K. Sinha, Advocate
For the Respondent/s : Mr.Manish Kumar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-12-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has assailed order dated
30.04.2015 passed in Case No. 189 of 2011 by the Appellate
Authority, Begusarai, whereby petitioner's appointment has
been annulled and direction has been given to consider
Respondent No.8, strictly on basis of merit.

3. Learned counsel for the petitioner submits
that the order has been passed without reference to any facts or



records, to that extent the order is factually in violation of this Court's order passed in *C.W.J.C. No. 4232 of 2008*. It is further submitted that since the private Respondent had failed to join after her selection based on merit for nearly four months, the post has finally been offered to the petitioner based on roaster point.

4. Learned counsel for the State, however, has taken the Court through the various paragraphs of the counter affidavit. It is submitted that the District Appellate Authority has considered the entire matter, and after due consideration it has found the petitioner not entitled to the selection in question for reasons which are indicated in the order. There being no procedural infirmity, this Court exercising writ jurisdiction should not interfere in the matter as the scope of judicial review is limited to the decision making process and not the decision itself.

5. The Court has considered the rival submissions and gone through the order of the District Appellate Authority, Begusarai. A very striking aspect which the District Appellate Authority has considered is to be taken note of from the second page of the order, which reads as follows:-

“The appellate has alleged that Op no.1 and 2 accomodated the OP no. 3 their fraudulent



deeds as it doesn't come to reason as to why and how the OP no.3 be at serial no. 51 in the merit list was appointed and no one from sl. no. 21 to 50 considered suitable for appointment. Therefore, in view of order dated 7.7.2011 passed Hon'ble High Court, Patna in CWJC no. 4232/2008, this appellant has filed this instant appeal with prayer to appoint her in place of Op no. 3 by allowing this appeal."

6. The Authority has further considered the issue, with reference to the records which is apparent from last paragraph, which reads as follows:-

"The certified copy of report dated 30.06.2008 of BEO, Barauni goes to show that he inspected the proceeding book relating to Panchayat Shikshak Niyojan 2006 of Gram Panchayat Raj Noorpur and came to the conclusion that none of the members of Niyojan Samiti put their signature in the record for inviting consent letter. There was also no date mentioned in relation to consent of applicants. No applicant was marked absent even after non receipt of the consent. The name of appellant figures in the postal register showing that letter of appointment was sent to Meenakshi Gupta under UPC but there is no any other document of circulation of information or its service upon the appellant for her appointment. There is no document to show that information regarding appointment of selected



candidates was pasted at any conspicuous place in or near any local govt. office or the Noorpur Gram Panchayat and thus the applicant could not send her consent in absence of information. All the Appointed candidates were given information hand to hand. It is evident that on 18-10-2007 letter of appointment was sent to eight candidates under UPC but OP no. 3 Kanchan Rani (Devi) and one Mohd. Ibrar were given letter of appointment hand to hand.”

7. The order being a well considered order, this Court in exercise of writ jurisdiction, when no procedural infirmity is asserted, is not inclined to interfere.

8. Writ petition is dismissed.

(Madhuresh Prasad, J)

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