

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6769 of 2022

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Ravindra Paswan @ Rabindra Paswan S/o Ram Sakal Paswan R/o Village-Saidpur Ghat, P.O. and P.S.-Runni Saidpur, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secrerary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Sitamarhi, District -Sitamarhi.
5. The District Education Officer, Sitamarhi, District -Sitamarhi.
6. The District Programme officer, Establishment (Education) Sitamarhi, District -Sitamarhi.
7. The District Panchayati Raj Officer, Sitamarhi, District -Sitamarhi.
8. The Block Development Officer, Runni Saidpur, District-Sitamarhi.
9. The Block Education Office,r Runnisaidpur, District-Sitamarhi.
10. The Panchayat Secretary-Cum-Member secretary Panchayat Employment Unit, Gram Panchayat Raj devnabuzurg, Block-Runni Saidpur, District-Sitamarhi.
11. Satya Narayan Chaudhary, S/o Kailash Chaudhary, R/o Village and P.O.-Baligadh, Block-Runnisaidpur, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.
For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 20-07-2022 The petitioner before this Court assails the order dated 02.03.2022, whereby respondent no.11, Satyanarayan Choudhary has been appointed as teacher. Learned counsel submits that the petitioner has been continuing on the post since long and his services were allowed to be continued by this Court while passing judgment dated 24.08.2016, wherein respondents



were directed to conduct a fresh counselling and allow the petitioner to work till then. However, the counselling was not done for a long period and now the counselling has been done in December, 2020 and the respondent has been appointed vide order dated 02.03.2022 and the services of the petitioner has been dispensed with.

Admittedly, the petitioner did not participate in the counselling, which was done in 2020. Learned counsel submits that the petitioner was not required to appear in counselling as he had already appeared in 2010. However, on the basis of his earlier counselling which were set aside, this court would not give any benefit as in the judgment passed by this court on 24.08.2016 following observations have been made:-

“In such view of the matter, even if no one had approached the Tribunal, the order of the Tribunal cannot be sanctified on the score that if the order has been passed on the basis of wrong facts, and on wrong consideration of the fact and law, which cannot be allowed to be sustained. In such view of the matter, the order of Tribunal is set aside accordingly, in resultantly, the appointment of Respondent no. 7 cannot be upheld and accordingly his appointment is set aside. This Court directs for fresh counselling and whoever is the best candidate



should be appointed after giving due notice to all the parties. Till the counselling is completed, Respondent no. 7 will continue to discharge the duty. After joining the new incumbent, he will be deemed to have been discharged from that post. The District Programme Officer is directed to ensure that all the proceeding should be completed within a period of three months from the date of receipt/production of a copy of this order. Accordingly this petition is allowed.”

In view, it appears that the petitioner has by one way or the other method, continued on the post without allowing any counselling to be done. Now when the counselling has been done and a person has been found selected, on the basis of his merit, he again wants to get the action preempted.

The writ petition is misconceived and is a gross abuse of process of the court and therefore dismissed with cost of Rs. 15,000/- to be deposited by petitioner with the legal services authority.

(Sanjeev Prakash Sharma, J)

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