

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1605 of 2018**

=====

Syed Hasnain Hussain S/o Syed Gulam Rabbani Hussain resident of village  
Sipahpur, P.O. Bhikhanpur, P.S. Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The State Appellate Authority, Education Department, Bihar.
4. The District Magistrate, Muzaffarpur, District - Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. The District Programme Officer Establishment, District - Muzaffarpur.
7. The Member District Teachers Appellate Authority, District - Muzaffarpur.
8. The Block Education Extension Officer, Block - Bochahan, District - Muzaffarpur.
9. Mukhiya, Gram Panchayat Raj Maidapur, Block - Bochahan, District - Muzaffarpur.
10. The Panchayat Secretary, Gram Panchayat Raj Maidapur, Block - Bochahan, District - Muzaffarpur.
11. The Headmaster, Primary School Husainpur under Gram Panchayat Raj, Maidapur, Block - Bochahan, Dist

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Shashi Bhushan Singh, Adv.  
For the Respondent/s : Mr.Madanjit Kumar-Gp20

=====

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH  
SHARMA**

ORAL ORDER

8      19-07-2022                      The petitioner is response to advertisement for first phase of teacher's employment, 2006, allegedly applied for the post of Panchayat Teacher and Gram Panchayat Raj Maidapur, Block- Bochahan, District- Muzaffarpur. It is stated that there were eight posts in the Panchayat, out of which five were for General and three for Urdu teachers, they have applied under the category of Urdu teacher. Selection committee conducted

meeting on 12.11.2007 and it is stated that the employment was made on 19.11.2007. However, the learned counsel submits that the concerned Mukhiya did not put his signature on the proceeding of the selection committee held on 12.11.2007 and continued with the selection process in pursuance of the said selection recommendation with the petitioner joined on 08.12.2007. It is submitted that the Headmaster did not allow the petitioner to accept his joining and he, therefore, submitted his joining in the Gram Panchayat which was accepted by the Panchayat Secretary. He complained to the B.D.O. also about the non-acceptance of the joining and to the District Magistrate, Muzaffarpur also. He also filed a writ petition for claiming salary. Whereafter, a complaint was filed by the petitioner before the District Appellate Authority for releasing his salary.

Before the District Appellate Authority, the Mukhiya filed a reply and has stated on oath that the petitioner was never selected or employed by the Panchayat Selection Committee. The joining accepted by the Panchayat Secretary was unlawful. After considering the reply, the District Appellate Authority passed an order holding that the petitioner could not be said to have been selected and whose joining with the Mukhiya with the Panchayat Secretary was not acceptable. The State Appellate Authority has also confirmed the findings arrived at by the District Appellate Authority.

Learned counsel for the petitioner vehemently argued that the petitioner was allowed to join liabilities on account of the

wrongful action of the Mukhiya who did not put his signatures on the petitioner's joining as well as on that particular part of the list and proceedings and submits that, merely, because of non-availability of signatures of the Mukhiya, the appointment made of the petitioner cannot be nullified.

I have considered this submissions.

The petitioner was placed in the select list was not verified on facts. Findings of fact arrived at by both the District Appellate Authority as well as by the State Appellate Authority. This can not be entertained into by this Court under Article 227 of the Constitution. This Court has limited jurisdiction in the aspect and unless there is perversity of findings of fact this Court would not interfere with them.

Considering the reply filed by the respondent, both the Authorities have reached to the conclusion about the petitioner having not been selected. Mukhiya is the member of the selection committee and if there is a statement brought on record about the petitioner not having been placed in the select list, the same cannot be ignored unless proved otherwise. This Court does not find any such document which could be looked into for arriving at a different conclusion.

In view thereof, no case for interference is made out.

The writ petition is found to be devoid of merits and accordingly dismissed.

**(Sanjeev Prakash Sharma, J)**

Sadique/-  
Item No. 13

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|