

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3838 of 2021

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Rakesh Kumar Singh S/o Virendra Prasad Singh R/o- Vill. and P.O.-
Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director Primary Education, Govt. of Bihar, Patna.
3. The State Appellate Authority Education Department Patna, through its
Secretary, Niyojan Bhawan, Bailey Road, Patna.
4. The Member District Teacher Employment Appellate Authority Araria.
5. The District Programme Officer (estt.) District- Araria.
6. The Block Development Officer Block- Bhargama, District- Araria.
7. The Mukhiya Gram Panchayat Raj Bhargama, Block- Bhargama, District-
Araria.
8. The Panchayat Secretary Gram Panchayat Raj Bhargama, Block- Bhargama,
District- Araria.
9. Ravi Ranjan S/o- Dinesh Kumar Singh R/o- Vill. and P.O.- Gandhi Nagar,
P.S.- Gandhi Nagar, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Adv.

For the Respondent/s : Mr. KAMESHWAR KUMAR (GP17)

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

ORAL ORDER

2 16-05-2022 Heard the parties.

The case is being taken up from defect side.

Learned counsel for the petitioner is directed to
submit the original petition along with attested affidavits and
also remove all the defects pointed out by the Registry within
two weeks from today.

Learned counsel for the petitioner assails the order



passed by the District Appellate Authority dated 28th July, 2017 and the order passed by the State Appellate Authority dated 06.12.2019, whereby the appeal preferred by the petitioner was rejected.

Learned counsel for the petitioner submits that the concerned Mukhiya initially appointed his son on the post and the petitioner challenged the said appointment by filing an appeal before the District Appellate Authority. The said selection of son of Mukhiya was set aside, whereafter fresh counseling was conducted, and in the said counseling while the petitioner participated, he was not considered and person respondent no. 9, who was the brother-in-law of the Mukhiya, was offered appointment.

Learned counsel submits that the entire selection process was illegal hence the petitioner ought to have been considered for appointment.

I have considered the submission, the State Appellate Authority having noticed all the facts as above, found on facts that the petitioner had not appeared in the counseling. It also noticed that the register relating to the counseling had been looked and had been examined by the District Appellate Authority, but the same was not available thereafter and had



disappeared. It also noticed the facts relating to respondent no. 9 and after considering all the aspects directed as under:-

“8 In view of the above, the claim of the appellant for his employment as Panchayat Teacher is disallowed. However, the respondent no. (ii), District Education Officer (DEO), Araria may get the vigilance inquiry conducted and take appropriate action. If an inquiry, employment of the private respondent is found illegal and the official respondents decide to conduct a fresh counseling for employment.

The appellant shall have the opportunity to appear in that counseling. The vigilance inquiry may be concluded within a reasonable time.”

The aforesaid quoted order passed by the State Appellate Authority, takes into consideration all the grievance of the petitioner and directions for conducting vigilance enquiry would suffice in the present case. A factual finding with regard to the petitioner not appearing in the earlier counseling cannot be set aside in writ jurisdiction. However, the State Appellate Authority has already granted the petitioner to have an opportunity to appear in the counseling if, conducted again after vigilance finds fault in selection.

It is however, observed that the vigilance enquiry



shall be conducted expeditiously within a period of three months.

I do not find any reason to interfere with the order passed by the State Appellate Authority, the same is upheld.

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

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 13

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