

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10383 of 2011

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INDU KUMARI D/O Narayan Prasad Mandal W/O Sri Bindeshwari Mandal R/O
Village-Kurpat Po-Parghari Ps-Sabour District-Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR and ORS
2. The Director Primary Education Bihar, Patna
3. The District Superintendent of Education Bhagalpur.
4. The Block Education Officer, Sabaur, Bhagalpur
5. The District Teacher Employment Appellate Tribunal Bhagalpur Through Its President.
6. The Block Development Officer Sabaour, Bhagalpur.
7. The Panchayat Secretary Baijalpur Gram Panchayat Block Sabour Distt. Bhagalpur.
8. Urmila Devi W/O Sri Murlidhar Pandit Resident Of Village-Kurpat Ps-Sabour Distt. Bhagalpur.
9. The Mukhiya Gram Panchayat Baijalpur Sabour, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kr. Jha & Mr. Sushil Kr. Jha, Adv.
For the State	:	Mr. Madhaw Pd. Yadav, GP 23
		Mr. Arvind Kumar, AC to GP23
For the Respondent no.8	:	Mr. Sunil Kumar Karn, Adv.

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

ORAL ORDER

- 10 22-11-2022 1. The petitioner by way of this writ petition assails the order passed by the District Appellate Authority whereby the appointment of the petitioner on contractual Niyojit Panchayat Teacher in primary school have been cancelled vide order dated 30th April 2011. Learned Counsel for the petitioner submits that the order was passed without issuing notice to the petitioner, he submits that in his absence the order cancelling the appointment of the petitioner is unjustified. In support of his submission, the petitioner has placed before this Court the order sheets of the District Appellate Authority. He submits that the order dated 30th



April 2011 may be quashed and set aside.

2. Per contra learned counsel appearing for the respondent no. 8 submits here that from the order sheet it is appearing that notice was not served upon the petitioner before passing of the impugned order. However he submits that giving notice to the petitioner would be an exercise in futility.

3. It is stated that from the documents which have been received under R.T.I. the petitioner was admittedly working in the Aganwari. From the application form Annexure 3 it is apparent that the petitioner has secured appointment by taking benefit of being an Aganwari worker. The experience gained as an Aganwari worker of non-formal teaching could not have been counted as per the existing regulations.

4. The learned counsel therefore submits that such appointment granted to the petitioner was contrary to the provisions and the District Appellate Authority has therefore rightly allowed the appeal. The State Counsel also supports the submissions of the private respondent counsel and submits that the benefit of working as an Aganwari worker could not have been given to the petitioner.

5. This writ petition is pending since 2011. The petitioner is no more in employment. While it may be correct



that the District Appellate Authority has passed an order without serving notice on the petitioner and the order therefore cannot be sustained but in order to meet the ends of justice, this Court has examined the application form of the petitioner and if satisfied that the experience was on the basis of her working as an Aganwari worker at Bhagalpur which she mentions in column 15 of the application form which she has herself placed before this Court as Annexure 3. For the post of Panchayat Teacher such experience could not have been considered for granting weightage.

6. Keeping in view thereto, the ultimate conclusion drawn by the District Appellate Authority is found to be correct by this court and no purpose would be served to send the matter again back to the District Appellate Authority for rehearing. In the present case post-facto hearing is found to be sufficient. Keeping in view thereto, the writ petition is found to be devoid of merit and is accordingly dismissed. Interim order if any stands dismissed.

(Sanjeev Prakash Sharma, J)

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Item No. 143

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