

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1670 of 2019

In
Civil Writ Jurisdiction Case No.12721 of 2019

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Md. Shamsuddin, S/o Jan Mohammad, Resident of Village- Barari Muslim Tola, P.O.- Guru Bazar, P.S.- Barari, District- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar through the District Magistrate, Katihar.
2. The Director Primary Education, Department of Human Resources, Government of Bihar, Patna.
3. The Member District Teachers Employment Appellate Tribunal, District- Katihar.
4. The District Superintendent of Education- now District Programme Officer (Establishment) Katihar.
5. The Block Development Officer Barari Block, Katihar.
6. The Block Education Extension Officer Barari Block, Katihar.
7. The Mukhiya Gram Panchayat, Raj Barari, P.S.- Barari, District- Katihar.
8. The Panchayat Secretary Gram Panchayat, Raj Barari, P.S.- Barari, District Katihar.
9. Md. Mazharul Islam, S/o Md. Manzoor Alam, Resident of Village- Nicha Tola, Marghia, P.S. Barari, District- Katihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.
For the Respondent/s : Mr. Shashi Shekhar Tiwary, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-07-2022

On 07.07.2022, following order was passed:

“None appears for the appellant.

In order to give one more opportunity, re-list this matter on 14.7.2022. If there is no representation on the next date of hearing, the matter would



be decided with the available records.”

Today also none appears for the appellant.

The grievance of the appellant is in respect of selection and appointment to the post of Panchayat Teacher.

The learned single Judge has passed following order:

“Considering the aforesaid, the Court is not inclined to examine the controversy whether the selection after re-counselling was valid or not as nearly 12 years have passed after re-counselling and appointment.

In view of the above, the present writ application stands dismissed.”

The appellant having participated in the process of selection and also participated in the re-counselling. Thereafter, he was not successful. Thus, he has filed the petition.

Perusal of the records, it is evident that there is delay of about 12 years for the reasons that revised merit list was notified in the year 2007 whereas the writ petition was filed in the year 2019.

Apex Court time and again held that in respect of selection and appointment, aggrieved person must approach judicial forum within a reasonable period of 3 to 6 months. That apart, having participated in the process of selection, the



appellant cannot question the validity of process of selection in the light of Apex Court’s decision rendered in the case of *Madan Lal Vs. State of J & K* reported in *(1995) 3 SCC 486*.

In the light of these facts and circumstances, the present appeal stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/-

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CAV DATE	
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