

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7526 of 2019

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Kaushalendra Kumar Singh Son of Sri Ramesh Singh Resident of Naya Tola,
Bihari, P.S and Dist.- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Jamui.
2. Principal Secretary Human Resource Department, Government of Bihar, Patna.
3. District Magistrate Jamui.
4. District Teacher Niyozan Appellate Authority Jamui through its Secretary
5. Presiding Officer District teacher Niyozan Appellate Authority, Jamui.
6. District Education Officer Jamui.
7. District Program Officer (Establishment- Education), Jamui.
8. Block Development Officer Jamui, Secretary Niyozan Unit, Gram Panchayat Raj, Arsar, Jamui.
9. Mukhiya Gram Panchayat Raj, Arsar, Jamui.
10. Panchayat Secretary Gram Panchayat Raj, Arsar, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-12-2023 The petitioner has challenged the order, dated 06.04.2018, passed by the State Appellate Authority, in Appeal No. 15 of 2018. Second relief prayed for by the petitioner is for quashing the order, dated 20.01.2015, passed by the District Appellate Authority, Jamui, in Case No. 31 of 2014.

2. The brief facts, giving rise to the present writ application is that the petitioner has applied for the post of Panchayat Teacher under general candidate, in the second phase



of teachers employment, in the year 2008, in Gram Panchayat Raj Arsar, in the district of Jamui, vide receipt no. 540, dated 08.11.2008. There were four vacancies of Panchayat Teachers under General Category. The selection process was carried out and appointments were made.

3. Some aggrieved candidates raised their grievance before the District Appellate Authority, Jamui, by filing Case Nos. 86, 112 and 151 of 2010. The District Appellate Authority, Jamui, finding irregularities in the selection process undertaken by the Employment Unit of Gram Panchayat Raj Arsar, set aside the selection process and directed the Employment Unit to take fresh steps for selection against the vacant post of Panchayat Teachers, vide order, dated 23.12.2010.

4. Pursuant to the order, dated 23.12.2010, passed by the District Appellate Authority, Jamui, fresh selection process was carried out by the Employment Unit, which was again challenged by eight candidates before the District Appellate Authority, Jamui, in Case Nos. 23, 25, 26, 27, 28, 29, 33 and 45 of 2011. The District Appellate Authority, Jamui, once again set aside the selection process, vide order, dated 25.05.2011 and directed the Employment Unit to make appointment on the vacant posts after obtaining necessary permission from the



concerned Department.

5. The petitioner was not a party to any of the aforesaid cases filed by the aggrieved candidates and for the first time, the petitioner filed appeal in the year 2014, i.e. after lapse of several years, before the District Appellate Authority, Jamui, vide Case No. 31 of 2014, which has been dismissed by the District Appellate Authority, Jamui, on the ground that the petitioner never applied for the said post. Therefore, no question arose regarding appointment of the petitioner.

6. Learned Counsel for the petitioner submits that the petitioner had applied for the post of Panchayat Teacher and appeared in the counselling. He further submits that one of the candidates, namely, Pinki Kumari, who was not in the merit list prepared by the Employment Unit, approached the District Magistrate, Jamui, and requested for her appointment as Panchayat Teacher in Gram Panchayat Raj Arsar. The District Magistrate, Jamui, without having any authority and without examining the claim of said Pinki Kumari, from the merit list, arbitrarily ordered for her appointment, vide order, dated 22.04.2013. Further three more candidates were appointed. One of the appointed candidate, namely, Meera Tuddu, was also appointed by citing the order of District Magistrate, Jamui,



dated 22.04.2013, having similar receipt as has been issued to the petitioner in the matter of public employment. Accordingly, his contention is that equal treatment has not been given to the petitioner.

7. He next submits that the rules regarding appointment of Panchayat Teachers in the State of Bihar does not provide any authority to the District Magistrate to act as a controlling authority and make appointment. The State Appellate Authority as well as the District Appellate Authority, Jamui, have mechanically passed the orders and there is no fundamental facts in support of the finding that the petitioner did not apply against the said post.

8. I have heard learned Counsel for the parties concerned and have perused the materials available on record, including the orders passed by the State Appellate Authority and the District Appellate Authority, Jamui.

9. The District Appellate Authority, Jamui, and the State Appellate Authority, while disposing Case Nos. 86, 112 and 151 of 2010. by order, dated 23.12.2010, directed the Employment Unit to take fresh steps for selection against the vacant post of Panchayat Teachers. In its order, dated 23.12.2010, the District Appellate Authority, Jamui, while



finding the merit list and the counselling process held on 28.02.2009 as valid, found the counselling process held on 14.08.2010, to be invalid, with further direction to the Employment Unit to cancel the appointment made pursuant to the counselling held on 14.08.2010. The Employment Unit, instead of cancelling the appointment done pursuant to the counselling held on 14.08.2010, set aside the entire selection process, including the selection made on the basis of counselling held on 28.02.2009, which was under challenge in the set of appeals filed by Pinki Kumari and others and the District Appellate Authority, Jamui, in its order, dated 25.05.2011, while setting aside the selection of the candidates in the second round, directed the Employment Unit to seek approval of the concerned Department and make appointment accordingly. It appears that the District Magistrate, Jamui, subject to the final approval given by the Department, has directed for appointment of Pinki Kumari (applicant of Case No. 23 of 2011).

10. The District Appellate Authority, Jamui, has arrived at the finding that the petitioner did not apply for the said post. As regards the acknowledgment receipt of the application produced by the petitioner, on the basis of which, the petitioner is claiming that he had applied for the said post,



bearing receipt no. 540, dated 08.11.2008, the District Appellate Authority, Jamui, on the basis of the records available, has concluded that the name of some other candidate is showing against receipt no. 540. Therefore, the claim of the petitioner that he had applied for the post of Panchayat Teacher is not sustainable. Further, from the acknowledgment receipt produced by the petitioner, neither the signature of the recipient is clear nor there is any any stamp/date on it. Accordingly, the District Appellate Authority, Jamui, dismissed the appeal filed by the petitioner. The State Appellate Authority also rejected the appeal of the petitioner *inter alia* on the ground that he is not an applicant in the selection process undertaken by the Employment Unit of the Gram Panchayati Raj Arsar during the second phase of teachers employment in the year 2008.

11. Upon consideration of the aforesaid facts and discussion held herein above, I do not find any merit in this writ application.

12. This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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