

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17130 of 2015

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Rama Kumari Wife of Sri Om Prakash Pandit, Resident of Village-
Rukanpura, P.O.- Jaitipur Kurua, P.S. Ghoshi, District- Jehanabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna
2. The District Teacher Employment Appellate Tribunal, Jehanabad.
3. The Block Development Officer, Modanganj, Jehanabad.
4. The Mukhiya of Jaitipur Kurua Panchayat, Modanganj, Jehanabad.
5. The Panchayati Secretary of Jaitipur Kurua Panchayat, Modanganj, Jehanabad.
6. Guddu @ Guddi Kumari, wife of Sri Ranjeet Kumar Bind, Village- Sipara, P.S. Hilsa, District- Nalanda.

... .. Respondents

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Appearance :

For the Petitioner : Mrs. Sweta Raj, Advocate
For the State : Mr. Sudama Kumar, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-10-2023 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application
praying for quashing the order contained in letter no. 1345 dated
30.8.2010 (Annexure-5) issued by District Teachers
Appointment Appellate Authority, Jehanabad whereby the
complaint filed by the petitioner was rejected on the ground of
delay. Further the prayer has been made to cancel the
appointment of respondent no.6 and to appoint the petitioner in
her place.



3. On perusal of the material on record, it transpires that the matter relates to teacher's appointment of the year 2006. A complaint was filed about four years after the said appointment before the District Teacher Appointment Appellate Authority Jehanabad which was registered as Complaint Case no. 437(38) of 2010. The Appellate Authority by the order impugned dated 30.8.2010 (Annexure-5) taking note of the fact that any complaint is required to be filed within a period of 30 days, thus rejected the complaint. Thereafter it transpires that a writ application being CWJC no.28 of 2011 was filed by the petitioner which was dismissed for non prosecution by order dated 20.7.2011. The same was restored and once again by order dated 6.4.2012 the said CWJC no.28 of 2011 was again dismissed for non prosecution. It was more than three years thereafter that on 27.10.2015 the instant writ application has been filed.

4. Learned counsel appearing for the petitioner submits that the petitioner has a good case on merits. The petitioner has obtained higher marks than respondent no.6 and she should have been appointed in her place. So far as the dismissal of the writ application is concerned, it was due to the fault of the counsel appearing on behalf of the petitioner and the



petitioner should not be made to suffer of the same.

5. Learned counsel appearing for the respondents submits that there is no illegality in the order passed by the appellate authority for the reason that it is not contested by learned counsel appearing for the petitioner that against the time provided of 30 days, the complaint against the appointment of respondent no.6 was made nearly four years after her appointment in the year 2010.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the appointment relating to the year 2006, the complaint by the petitioner having been filed by the appellate authority, against limitation of 30 days, more than four years later in the year 2010, the Court is not inclined to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

7. The writ application stands dismissed.

(Partha Sarthy, J)

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