

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10124 of 2022

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Dhirendra Kumar Son of Shri Prithvi Prasad Yadav Resident of Village-
Dhangara, Ward No. 9, P.O.- Simarbani, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Araria.
4. The District Education Officer, Araria.
5. The District Program Officer (Establishment), Araria.
6. The Block Education Officer, Forbesganj, District- Araria.
7. Panchayat Teacher Employment Unit, Gram Panchayat Raj- Araharaha (Forbesganj), District- Araria.
8. The District Teachers Appellate Authority, District Araria through its Chairman.
9. The Panchayat Secretary, Gram Panchayat Raj- Araharaha (Forbesganj), District- Araria.
10. Ramesh Kumar Son of Shri Anant Prasad Mandal Resident of Village- Gajbhag, P.S.- Forbesganj, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Mishra, adv.
For the State	:	Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

4 20-02-2023

1. Heard the parties.

2. The petitioner by way of this writ petition seeks to assail the order dated 25.04.2022, passed by the State Appellate Authority, whereby it has upheld the order passed by the District Appellate Authority, thereby the appeal preferred by the petitioner was dismissed after the matter was remanded by the



State Appellate Authority earlier on an appeal preferred by the respondent.

3. Brief facts indicates that the respondent was appointed as a Panchayat Teacher on 30th December, 2010, spate of litigation arose thereafter relating to selections which included the petition filed by the petitioner.

4. The District Appellate Authority vide its order dated 22.01.2019 allowed his appeal and directed the Employment Unit to grant weightage of experience in favour of the petitioner. Thereafter he was given employment on 25.02.2019 and the respondent was removed. The respondent filed an appeal before the State Appellate Authority and contended that he was not given an opportunity of being heard.

5. The State Appellate Authority accordingly remanded the matter back to the District Appellate Authority and after considering the case of the petitioner vis-a-vis that of the respondent, the District Appellate Authority reached to the conclusion that the petitioner had no case as against the respondent, who was appointed 9 years back and had been continuing in employment without break. Moreover, finding of fact has also been arrived at that the petitioner had not placed experience certificate along with the Application Form. The



experience certificate placed before the District Appellate Authority was much later on point of time and on account of there being the same, weightage could not have been given at the time of counselling, which was conducted in the year 2010. The District Appellate Authority, therefore, rejected the appeal of the petitioner, which was challenged by the petitioner before the State Appellate Authority. The State Appellate Authority has again given a finding of fact noticing that the Application Form of the petitioner does not indicate that any experience certificate was filed or the weightage was claimed. Keeping in view thereto, the appeal was rejected.

6. The present writ petition has been preferred challenging both the District Appellate Authority orders dated 31.12.2019 and the order passed by the State Appellate Authority dated 25.04.2022.

7. I have considered the aforesaid aspects, this Court in writ jurisdiction under Article 227 has a limited scope for its interference. He does not sit in appeal and, therefore, factual aspects need not be examined unless there is a specific allegation of gross perversity.

8. Having noticed the facts as above, this Court is satisfied that there is neither any gross perversity in the order



passed by the State Appellate Authority nor any jurisdictional error is made out.

9. On the other hand, factually the order passed does not require any interference. The writ petition is wholly misconceived and accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

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