

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2071 of 2019

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Rita Kumari Wife of Kumar Rajendra Singh Resident of Village- Saneya,
P.O.-Bambhwar, P.S.-Piro, District-Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Bihar
2. The District Magistrate, Bhojpur at Arra. Bihar
3. The State Appellate Authority, Patna Bihar
4. The Member, District Appellate Authority, Bhojpur
5. The Block Education Officer, Block-Piro District-Bhojpur at Arra. Bihar
6. The Secretary, Baraon Gram Panchayat, Block-Piro, District-Bhojpur at Arra. Bihar
7. Mukhiya, Baraon Gram Panchayat, Block Piro, Dist.-Bhojpur at Arra Bihar
8. Lalite Kumari Wife of Mahavir Singh, Panchayat Teacher, New Primary School Pokhrapar Village P.O.-Baraon, P.S.-Piro, District-Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parma Nand Singh
For the Respondent/s : Mr.Madhukar Mishra, SC-16
For Private Respondent No.8 : Mr. Umesh Kumar Mishra
For Respondent No.6 : Mr. Parmatma Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 13-02-2024

Heard learned counsel for the parties.

2. The present writ application has been filed for the following relief:-

For issuance of an appropriate writ/writs, order/orders, direction /directions, rule/rules for setting aside the orders dated 13.10.2017 passed in Appeal No. 506/2017 by the State Appellate Authority Patna (Respondent no.3).

3. It is submitted by learned counsel for the petitioner that



the petitioner applied for the post of Panchayat Teacher. There were four vacancies of Panchayat Teacher in Baraon Gram Panchayat under Block Piro, Bhojpur, out of which one post was advertised for B.C. female. The petitioner being the member of B.C.(II) applied for one reserved post for Backward Class female candidate. It is further submitted that petitioner was Lok Shikshak from 28 May, 2007 to 30 June, 2008 and an experience certificate was also issued to the petitioner by the Bihar Education Project Rohtas and she was entitled to get 20 points for her experience qualification as per the rule.

4. It is further submitted that the petitioner appeared before the Selection Committee for counselling which was conducted by the Selection Committee on 28.02.2009, but the appointment was not made by the Selection Committee. Being aggrieved by the decision taken by the Panchayat Selection Committee, she filed a complaint petition on 13.09.2010 before the District Appellate Authority, Bhojpur vide Appeal No. 285 of 2010. The matter was heard. The Panchayat Secretary of the Baraon Gram Panchayat wrongly stated before the District Appellate Authority, Bhojpur that the petitioner did not apply for the post of Panchayat Teacher and her application was not received from the office of the Block Education Officer, Piro to



the concerned Panchayat, hence question of counselling does not arise. Considering the statement of the Panchayat Secretary, the District Appellate Authority dismissed the appeal vide order dated 15.05.2012.

5. Thereafter, the petitioner filed a writ petitioner bearing C.W.J.C. No. 16019 of 2012 in this Court against the order of the District Appellant Authority, Bhojpur, which was disposed of vide order dated 07.08.2017, with a liberty to approach before the appropriate Authority. As per the direction, the petitioner filed an appeal bearing Appeal No. 506/2017 before the State Appellate Authority, Patna, where the claim of the petitioner was dismissed by the State Appellate Authority vide order dated 13.10.2017 on the ground of the oral statement of the then Panchayat Secretary that the name of the petitioner is not available in the list of applications received from the Block.

6. It is further submitted that as per letter no. 590 dated 06.09.2018, the Block Education Officer, Piro informed the husband of the petitioner by reply to an application filed under of R.T.I. Act that the application bearing no. 1253, Rita Kumari is maintained in the Block Office Register at Serial 66 and the same had been received by the then Secretary of Baraon Gram Panchayat on 27.11.2008. It is further submitted that the



Panchayat Selection Committee appointed one Lalita Kumari (respondent no.8) wrongly and illegally and posted her in Primary School near New Pokhra in Baraon Gram Panchayat, whereas this petitioner ought to be appointed on the said post instead of respondent no.8 as the petitioner was entitled to get more marks than respondent no.8.

7. The respondent no.2 has filed a counter-affidavit stating therein that in the proceeding of the appeal before the District Appellate Authority, the Secretary of the Niyojan Unit participated in the proceeding and produced the application receipt register as well as the counselling register before the District Appellate Authority and denied the receipt of the form of the petitioner in the said Niyojan Unit. In view of the aforesaid fact, the District Appellate Authority rejected the claim of the petitioner vide order dated 15.05.2012 on the ground that the petitioner has no evidence to show that she appeared in counselling. After rejection, the petitioner challenged the same before this Court bearing CWJC No. 16019 of 2012, which was also disposed by the Court. After disposal of the writ application, the petitioner assailed the order of the District Appellate Authority passed in Appeal No. 285/2010 before the State Appellate Authority in Appeal No. 506/2017.



The State Appellate Authority once again examined the submission of the petitioner with regard to her allegation and finally dismissed the appeal.

8. Considering the rival submissions of the parties as well as the concurrent findings of the District Appellate Authority and the State Appellate Authority, I am not inclined to interfere with the order of the State Appellate Authority.

9. Accordingly, the writ application stands dismissed.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2024
Transmission Date	NA

