

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1979 of 2019

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Ravindra Ray @ Ravindra Prasad Ray Son of Daroga Ray Resident of
Village- Talwa, P.S.- Kotwa, Distt. East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Principal Secretary, Human Resource Department, Bihar, Patna
2. The District Magistrate, West Champaran at Bettiah.
3. The District Education Officer, West Champaran.
4. The Block Education Officer-cum-Secretary, Block Selection Committee Majhauria Block, West Champaran
5. The Panchayat Teacher Selection Unit, Panchayat Raj Senuaria, Block Office Majhauria, Distt. West Champaran
6. The Mukhiya Gram Panchayat Senuaria Block Office, Majhauria, Distt. West Champaran
7. Mahendra Ray Son of Prayag Ray Resident of Village- Raipatti Bhatha, P.S. Sugauli, Distt. East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar
For the Respondent/s	:	Ms. Namrata Singh (AC to G.A.12)
For the Respondent No.7:	:	Mr. Pratap Sharma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 12-02-2024

Heard Mr. Anil Kumar, learned counsel appearing on behalf of the petitioner, Ms. Namrata Singh (AC to G.A.12) on behalf of the State as well as Mr. Pratap Sharma, learned counsel appearing on behalf of the respondent no.7.

2. The present writ application is being filed for the following reliefs:-

(i) For issuance of writ to quash the order dated 17.12.2018 passed in Case No. Appeal. 296 of 2017 by the learned Chair



person of State Appellate Authority Education Department, Bihar, whereby and whereunder the appeal filed by the respondent no.8 has been allowed and the order dated 28.11.2011 passed by learned District Teacher Employment Appellate Authority, West Champaran, Bettiah in Case No.454 of 2010 has been set aside with a direction to cancel the employment of the petitioner within 30 days from the date of production of a copy of the said order.

(ii) For issuance of writ, directing and commanding the respondents to not disturb to the petitioner from his post and work till adjudication of this present writ application.

(iii) To grant any other relief, order, direction for which the petitioner may be entitled under facts and circumstances as well as under the law.

3. Learned counsel for the petitioner submits that the petitioner had applied for a job on the post of Panchayat Teacher in the year 2008 and after scrutiny, the petitioner was appointed on the said post. He further submits that the respondent no.7 has grievance with the appointment of the petitioner, therefore he filed an appeal before the District Appellate Authority, an order was passed in favour of the petitioner herein. The respondent no.7, later on moved before the Hon'ble High Court and Hon'ble High Court had given direction to file an appeal before the State



Appellate Authority, thereafter the respondent no.7 filed an appeal before the State Appellate Authority and vide order dated 17.12.2018, the State Appellate Authority after hearing the parties, including the petitioner, set aside the order of the District Appellate Authority and passed the order in favour of the respondent no.7.

4. Learned counsel for the respondent no.7 submits that the petitioner as well as the respondent no.7 had submitted applications for employment as a Panchayat Teacher in Gram Panchayat Senuaria, under Manjhaulia Block in West Champaran District in the 2nd phase of teachers employment in the year 2008. The respondent no.7 got 74% marks and the petitioner got 52.44% marks in intermediate examination. Petitioner was awarded 20 weightage marks for his teaching experience. But according to the inquiry report submitting by the D.E.O., West Champaran, the experience certificate of the petitioner has not been issued from the office of D.E.O, East Champaran. Therefore, his merit marks remains at 52.44%. The merit marks of the respondent no.7 is higher than the merit marks of the petitioner. The respondent no.7 and the petitioner both appeared in the counselling and both submitted applications in the Backward Class category. Since, both of them were applicants in the same



category and the respondent no.7 has higher marks than the petitioner, the respondent no.7 has superior claim for employment than the petitioner. Claim of the petitioner and the observation of the learned District Authority in its impugned order dated 28.11.2011, is that the petitioner has submitted application in unreserved category and since he had highest merit marks among the candidates in the unreserved category, he was selected and employed, is not supported by the inquiry report submitted by the D.E.O., West Champaran.

5. Considering the rival submissions of the parties and from the perusal of the order of the State Appellate Authority, no infirmity has been found in the order of the State Appellate Authority.

6. In view of the foregoing discussions, this writ application is dismissed.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.02.2024
Transmission Date	NA

