

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4134 of 2019

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Dheeraj Kumar Jha S/o Late Shivchandra jha Vill.- Kachor, P.s.- Kanhauli,
Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar and Ors represented through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Director Department of Primary Education, Govt. of Bihar, Patna
3. The Chairperson State Appellate Authority, Education Department, Bihar
4. The District Magistrate Sitamarhi
5. The District Teacher Employment Appellate Tribunal Sitamarhi
6. The District Education Officer Sitamarhi
7. The District Programme Officer (Establishment) Sitamarhi
8. The Block Development Officer Bathnaha, Sitamarhi
9. The Block Education Extension Officer Bathnaha, Sitamarhi
10. The Mukhiya Gram Panchayat Raj Majhauria, Block- Bathnaha, Distt.- Sitamarhi
11. The Panchayat Secretary Gram Panchayat Raj Majhauria, Block-Bathnaha, Distt.- Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha
For the Respondent/s : Ms. Shilpa Singh (GA 12)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 12-01-2024 1. The petitioner has preferred the present writ application for quashing the order, dated 14.09.2018, passed by the State Appellate Authority, in Appeal Case No. 430 of 2018, by which the order, dated 09.01.2016, passed by the District Appellate Authority, Sitamarhi, in Appeal No. 38 of 2014, has been upheld and the claim of the petitioner for his appointment as Panchayat Teacher, in Gram



Panchayati Raj Majhauria, Bathnaha block, in the district of Sitamarhi, has been rejected.

2. The brief facts, giving rise to the present writ application, is that in the Gram Panchayati Raj Majhauria, the process of appointment of Panchayat Teachers during the Second Phase of Teachers Employment, 2008, was initiated for filling up three posts of Panchayat Teachers (one post each of unreserved category, female of unreserved category and female of Extremely Backward Class category), in which the petitioner applied under the unreserved category, vide receipt no. 363, dated 14.11.2008. According to the petitioner, the provisional merit list was prepared and published on 10.01.2009 and counselling was scheduled to be held on 28.02.2009, but due to the death of the Mukhiya, the appointment process could not be completed and all the three posts remained vacant.
3. The petitioner filed an appeal before the District Appellate Authority, Sitamarhi, having Appeal No. 38 of 2014, which was dismissed by order, dated 09.01.2016. The appeal preferred by the petitioner before the State Appellate Authority against the order, dated 09.01.2016,



also got dismissed.

4. Learned Counsel for the petitioner argues that the State Appellate Authority, while rejecting the appeal filed by the petitioner, overlooked the negligence on the part of the respondents and ought to have considered the delay in completing the selection process by the respondents. The appointment process was delayed due to the incident beyond the control of the petitioner and if the respondent authorities had taken steps for completion of the appointment earlier, then this situation would not have arisen.
5. Learned Counsel next submits that the petitioner filed an application on 15.10.2014, in Appeal No. 148 of 2010, filed before the District Appellate Authority, Sitamarhi by one Suman Kumar and Suprita Kumari, being aggrieved by the non-completion of the selection process, but the District Appellate Authority rejected the intervention application of the petitioner on the ground that there was no provision in the Bihar Panchayat Primary Teachers (Employment and Service Condition) Rules, 2006, as amended in the year 2008, for impleading any person as intervenor applicant and gave liberty to the petitioner to



file a separate appeal. In pursuance thereof, the petitioner filed Appeal No. 38 of 2014 before the District Appellate Authority, Sitamarhi.

6. On the other hand, learned Counsel for the State argues that the petitioner approached the authority at a very belated stage. No candidate was appointed in Gram Panchayati Raj Majhauria, due to the death of the Mukhiya of that Gram Panchayat and all the vacancies existing during the Second Phase of Teachers Employment, 2008, were clubbed and merged with the subsequent vacancies, in the Third Phase of Teachers Employment, held in the year 2012-13 and at present, no vacancy exist of the year 2008.
7. I have heard learned Counsel for the parties concerned and have perused the materials available on record, including the impugned orders.
8. The District Appellate Authority, Sitamarhi, has arrived at the conclusion that due to the death of Mukhiya of the Gram Panchayati Raj Majhauria, selection process could not be completed and all the posts remained vacant during the second phase of teachers employment in the year 2008. The Appellate Authority cannot order for



appointment of the petitioner on the post, which was to be filled in the Second Phase of Teachers Employment, initiated in the year 2008, after its conclusion on 30.12.2010, vide letter no. 1474, dated 04.02.2010, issued by the Education Department, Government of Bihar.

9. The State Appellate Authority arrived at the finding that the Panchayat Teacher employment Unit never selected any candidate for appointment because the Mukhiya was killed during the selection process. Due to the death of the Mukhiya, final merit list was not prepared and approved and as per the instructions issued by the Education Department, Government of Bihar, all posts remaining vacant on 30.12.2010 was clubbed and merged with the subsequent vacancies for the Third Phase of Teachers Employment, started in the year 2012.
10. Having heard learned Counsel for the parties concerned and going through the findings arrived at by the District Appellate Authority, Sitamarhi, and the State Appellate Authority, I come to the conclusion that the process of appointment of Second Phase of Teachers Employment, started in the year 2008, in all the Gram Panchayats, came to an end on 30.12.2010 and the remaining vacancies



were clubbed and were carried forward for appointment in the Third Phase of Teachers Employment, started in the year 2012.

11. As such, the Appellate Authorities have rightly not directed for appointment of the petitioner on the post of Panchayat Teacher, the process of which was initiated in the year 2008 and could not be completed till 30.12.2010.
12. Accordingly, I find no illegality in the impugned orders, passed by the District Appellate Authority, Sitamarhi, and the State Appellate Authority.
13. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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