

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5619 of 2019

Arshad Imam S/o Late Md. Ayub Vill. and Post- Mohanpur, P.s.-Samastipur
Mufassil, Distt.-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Deptt. of Human Resources Development Department, Patna
2. The Director Primary Education, Human Resources Development Department, Govt. of Bihar, Patna
3. The Collector Samastipur
4. The Sub-divisional Officer Samastipur
5. The Block Development Officer Sarairanjan, Distt.-Samastipur
6. The Panchayat Secretary Gram Panhayat Raj Bishambharpur Alioth, Distt.-Samastipur
7. Mukhiya Gram Panchyat Raj Bisambharpur Alioth, Distt.-Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amarendra Narayan
For the State	:	Mrs. Binita Singh (Sc28)
For the Respondent/s	:	Mr. Nand Kishore Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 13-02-2024

Heard Mr. Amrendra Narayan, learned counsel appearing on behalf of the petitioner, Mrs. Binita Singh (Sc28), learned counsel for the State as well as Mr. Nand Kishore Prasad Sinha for the respondent nos.6 and 7.

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

(i) For issuance of writ for setting aside the order dated 05.07.2018 passed by the Presiding Officer, State Appellate



Authority, Education Department, Bihar, Patna in Appeal No.377 of 2017 dismissing the appeal of the petitioner filed against the order of the District Teachers Employment Appellate Authority, Samastipur dated 12.06.2010 passed in Appeal No.348/2009.

(ii) The petitioner also prays for consequential relief of quashing order dated 12.05.2010 passed in Appeal No.348 of 2009 and a direction to the respondents to appoint petitioner as Panchayat Teacher of Gram Panchayat Raj Alioth, Sarairanjan for which he had appeared in counselling dated 24.02.2007 but could not be appointed.

(iii) The petitioner also prays for consequential benefits of post and seniority.

3. Learned counsel for the petitioner submits that the petitioner applied for the post of Panchayat Teacher in the year 2006/07 against the vacancies for the employment unit of Gram Panchayat Raj Alioth, Sarairanjan, District- Samastipur. He submits that the Authorities fixed two dates for counselling i.e. on 12.02.2007 and 19.02.2007. The date of the counselling of the petitioner was 19.02.2007 but it was rescheduled on 24.02.2007. It is further submitted by the learned counsel for the petitioner that the selection on the post of Panchayat Teacher was made only of those candidates who appeared in the counselling on



12.02.2007. The petitioner was not considered for appointment as he appeared in the counselling on 24.02.2007 and also no consolidated list was prepared by the Authorities. He further submits that an inquiry was conducted by the order of the District Magistrate and it was found that the counselling was not done in accordance with law.

4. Learned counsel for the petitioner further submits that the petitioner has challenged the said appointment on the post of Panchayat Teacher in the District Appellate Authority but after considering the same, the District Appellate Authority dismissed the appeal of the petitioner by the order dated 12.06.2010, holding that the petitioner has not appeared in the counselling dated 12.02.2007. Later on, the petitioner moved before the State Appellate Authority and on 05.07.2018, by a reasoned order, the State Appellate Authority also dismissed the appeal of the petitioner holding that the petitioner has not challenged the order of the B.D.O. passed on 19.09.2007. Even the order passed in his appeal by District Authority on 12.06.2010 remain unchallenged for two years.

5. Learned counsel for the State submits that there is no irregularity in the appointment on the post of Panchayat Teacher.

6. Considering that there is a concurrent finding of the



District Appellate Authority and the State Appellate Authority, I
do not want to interfere with the impugned order.

7. In that view of the matter, this writ application is
dismissed.

(Anjani Kumar Sharan, J)

shikha/-

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

