

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7825 of 2019

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Baby Kumari Daughter of Sudo Singh and Wife of Jitendra Kumar, Resident
of Village-Keshauri, P.S.-Pakri Barwa, District-Nawada. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Principal Secretary, Education Department , Governmnet of Bihar, Patna
3. The Director, Department of Education, Goivernment of Bihar, Patna
4. The District Magistrate-Cum-Collector, Nawada
5. The District Teacher Employment Appellate Authority through its Presiding Officer, Nawada
6. The District Programme Officer (Establishment) Nawada.
7. The Block Development Officer, Warisaliganj, Nawada.
8. The Mukhiya, Masma Gram Panchayat, P.S.-Warisaliganj, Nawada.
9. The Panchayat Secretary, Masma Gram Panchayat, Police Station Warsaliganj, Nawada.
10. Anju Kumari W/.o Rajesh Kumar , D/o Late Anandi Prasad Singh Resident of Village-Korma, P.S.-Warsaliganj, District-Nawada.
11. Jitendra Kumar S/o Late Triveni Prasad Singh Resident of Village-Malichak, Gram Panchayat, P.S.-Warsaliganj, District-Nawada
12. Pramod Kumar S/o Sri Sita Ram Prasad Resident of Village-Pangire, P.S.-Warsaliganj, District-Nawada.
13. Manita Kumari D/o Rajendra Prasad Resident of Village-Mirchak, P.S.-Warsaliganj, District-Nawada.
14. Uma Kumari Gupta D/o Braj Gupta, C/oAnand Book Depot., Warisaliganj, District-Nawada.
15. Ajay Paswan S/o Shree Paswan Resident of Village-Korma, P.S.-Warsaliganj, District-Nawada.
16. Rukmini Kumari D/o Meghnath Paswan Resident of Village-Korma, P.S.-Warsaliganj, District-Nawada

... .. Respondents.

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Appearance :

For the Petitioner	:	Md. Waliur Rahman, Advocate Mr. Nishant Kumar Sinha, Advocate
For the respondent no.10:		Mr. Sunil Kumar, Advocate
For the respondent no.11:		Mr. Shambhu Sharan Kumar, Advocate Mr. Rama Shankar Kumar, Advocate
For the respondent no.16:		Mr. Ram Prasad Singh, Advocate Mr. Gautam Shah, Advocate
For the State	:	Mr. Madanjeet Kumar, GP-20

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV JUDGMENT

Date : 02-04-2024

Heard Md. Waliur Rahman and Mr. Nishant Kumar Sinha, learned counsel for the petitioner, Mr. Sunil Kumar, learned counsel for the respondent no.10, Mr. Shambhu Sharan Kumar and Mr. Rama Shankar Kumar, learned counsel for the respondent no.11, Mr. Ram Prasad Singh and Mr. Gautam Shah, learned counsel for the respondent no.16 and Mr. Madanjeet Kumar, learned GP-20 for the State.

2. By the present writ application, the petitioner seeks mainly quashing of the Letter No.9, dated 01.10.2019 passed by respondent no.8, whereby the services of the petitioner has been terminated with effect from 01.10.2019 and to reinstate the petitioner on the post she was working was Panchayat Teacher since 12 years with all consequential benefits. It is relevant to mention here that the present writ application was initially filed against the order dated 11.01.2019 passed by the Chairperson, State Appellate Authority (Education Department), Bihar in Appeal No.11 of 2019 but, during the pendency of the present writ application, the services of the petitioner was terminated with effect from 01.10.2019 and through an interlocutory application the prayer was amended.

3. The factual matrix giving rise to the present



writ application is that in pursuance to the Bihar Panchayat Teacher (Employment and Service Condition) Rule, 2006, applications were invited for the employment to the post of Panchayat Teacher by Gram Panchayat, Mosma under Warsaliganj block in the district of Nawada. The petitioner finding her eligible along others applied for the said post. Respondent nos.10 and 11 of the present writ application were also the applicants of the said post. After completing all the paraphernalia, the date of counselling was fixed on 18.11.2006. In the counselling, the petitioner along with respondent nos.10 and 11 and others appeared but the appointment letter was not issued to respondent nos.10 and 11, whereas the appointment letter was issued to the petitioner and five others who having lesser marks than the respondent nos.10 and 11. Now, the problem begins from here.

4. Against the appointment of petitioner and others, respondent nos.10 and 11 made a complain before the Block Development Officer, Warisaliganj, who, after proper enquiry/verification, cancelled the employment of the petitioner and others vide his order as contained in Letter No.1275 dated 13.11.2007.

5. Being aggrieved with the order dated



13.11.2007 of the Block Development Officer, Warisaliganj, respondent no.12-Pramod Kumar filed a writ application before this Court, bearing C.W.J.C. No.525 of 2008, which was disposed of vide order dated 23.09.2010, directing the petitioner to approach before the Appellate Authority, which was constituted by the State Government under Rule 18 of the Bihar Panchayat Prarambhik Shikshak (Niyojan Avam Seva Sart) Niyamvali, 2006 (as amended by Amendment Act, 2008), as per the law prevalent at that time, the same was functional, giving one month time to the Appellate Authority to consider all the documents, including orders of this Court in identical matter, if produced, and other relevant records and make all endeavours to dispose of the same on merit in reference to the original records after hearing the parties concerned by a speaking order. Thereafter, Complaint No.376 (I) of 2010 was filed on behalf of respondent no.12 before the District Appellate Authority, Nawada and by the order dated 30.09.2010, the Appellate Authority set aside the order of the B.D.O., Warsaliganj. Against the order dated 30.09.2010, respondent nos.10 and 11 filed separate writ applications before this Hon'ble Court, which was disposed of vide order dated 17.07.2017, with a direction to approach before the State Appellate Authority, Patna. In



pursuance of the direction issued by the Writ Court, respondent nos.10 and 11 filed separate appeals before the State Appellate Authority and both the appeals were heard together and disposed of by a common order dated 18.06.2018, by setting aside the order of the District Appellate Authority and remitted back the matter before the District Appellate Authority, Nawada to reconsider the case afresh after hearing the appellants as well as the private-respondents and the Panchayat Secretary, Mosma. It was specifically directed that District Appellate Authority, Nawada shall particularly consider the proceedings of the counselling held on 18.11.2006, after verifying the original records and ascertain whether respondent nos.10 and 11 had appeared in counselling held on 18.11.2006 and pass fresh order within three months, the said order has already been annexed as Annexure-5 to this writ application.

6. The District Appellate Authority, Nawada, reconsider the matter afresh after hearing all concerned parties and also called for the original records and found that respondent nos.10 and 11 were present in the counselling but they were not employed on the ground of non-submission of consent letter and vide order dated 22.11.2018 passed the order in favour of respondent nos.10 and 11.



7. Against the order dated 22.11.2018 passed by the District Appellate Authority, the petitioner moved before the State Appellate Authority by filing Appeal No.11 of 2019, which was also dismissed vide order dated 11.01.2019 and the order dated 22.11.2018 was affirmed. Hence, this writ application.

8. It is not in dispute that the petitioner possesses lesser marks than respondent nos.10 and 11. The only ground taken against the respondent nos.10 and 11 is that they did not appear in the counselling and submit their consent letter. It is come on record that vide order dated 18.06.2018, the State Appellate Authority remitted back the matter to the District Authority to consider the matter afresh particularly considering the proceedings of the counselling held on 18.11.2006, verifying from the original records and ascertain whether respondent nos.10 and 11 had appeared in the counselling and pass fresh order after hearing the parties.

9. In compliance of the order dated 18.06.2018, the District Appellate Authority, after perusing the original records of the selection committee and hearing the aggrieved parties, has held that respondent nos.10 and 11 were wrongly deprived of employment for want of consent, which was against the Rules and the same was affirmed by the State Appellate



Authority.

10. After hearing learned counsel for the respective parties, perusing the materials available on record and in the facts and circumstances of the case, I am not inclined to interfere with the order impugned and this writ application sans merit and is dismissed.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.04.2024
Transmission Date	NA

