

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7328 of 2019

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Rinku Kumari Wife of Sri Rajeev Kumar Rai R/o and P.O. Sarairanjan Dih,
P.S. Sarairanjan District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department Government of Bihar, Patna.
3. The Presiding Officer, District Appellate Authority, Samastipur, District- Samastipur.
4. The District Magistrate-Cum-Collector, Samastipur, District- Samastipur.
5. The District Education Officer, Samastipur, District- Samastipur.
6. The District Programme Officer(Establishment), Samastipur, District- Samastipur.
7. The Block Development Officer, Sarairanjan, District- Samastipur.
8. The Block Education Officer, Block, Sarairanjan, District- Samastipur.
9. The Headmaster, Primary School Sherpur Narsarai, Block-Sarairanjan, District- Samastipur.
10. The Panchayat Sevak-Cum-Secretary, Panchayat Teacher Employment Unit, Gram Panchayat Raj- Sarairanjan East, Distt- Samastipur.
11. The Mukhiya-Cum-Chairman Panchayat Teacher Employment Unit, Gram Panchayat Raj-Sarairanjan East, Block Sarairanjan, District- Samastipur.
12. Pratibha Kumari W/o Sri Rakesh Kumar Singh R/o At and P.O. Kewati Runway, P.S. Kewati, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 05-01-2024 1. The present writ application has been filed by the petitioner for quashing the order, dated 05.03.2018, passed by the State Appellate Authority, in Appeal Case No. 59 of 2018, whereby the order, dated 03.07.2015,



passed by the District Appellate Authority, Samastipur, in Appeal Case No. 38 of 2014, has been upheld.

2. The petitioner has also made a prayer for quashing Memo No. 41, dated 21.11.2008, issued by the Panchayat Secretary of Gram Panchayati Raj Sarairanjan East, with further direction to reinstate the petitioner on the post of Panchayat Teacher with all consequential benefits, including payment of arrears of salary/remuneration with effect from April, 2008.
3. The brief facts of the case is that in terms of Bihar Panchayat Primary Teachers (Employment and Service Condition) Rules, 2006, an advertisement was published for appointment on 14 posts of Panchayat Teachers in Gram Panchayati Raj Sarairanjan East, in the district of Samastipur, out of which four posts were meant for unreserved category of candidates, 03 posts were meant for females of unreserved category and 07 posts were meant for candidates of other reserved categories.
4. The petitioner, having secured 67.22 per cent marks in the Intermediate examination, had applied for the post of Panchayat Teacher, in Gram Panchayati Raj Sarairanjan East, against the three posts meant for females of



unreserved category.

5. On 07.02.2006 and 08.10.2006, counselling of trained candidates were held and merit list was published in which, total five candidates were selected. Another date of counselling was fixed on 12.02.2007 and 19.02.2007, but the counselling scheduled to be held on 19.02.2007 was extended on 24.02.2007, in which the petitioner appeared and merit list was accordingly prepared and published.
6. On 06.11.2007, appointment letter was issued in favour of the petitioner by the Panchayat Secretary. The petitioner submitted her joining in the concerned school on 07.11.2007.
7. The contention of the petitioner is that after her joining, suddenly, on 21.11.2008, vide Memo No. 41, the termination letter was issued to the petitioner along with some other candidates. The claim of the petitioner is that without any show cause notice, her services has been terminated.
8. After moving before the District Magistrate and other authorities, the petitioner filed Appeal Case No. 283 of 2009 before the District Appellate Authority, Samastipur,



challenging her termination and the District Appellate Authority, vide order, dated 18.08.2010 dismissed the appeal filed by the petitioner, holding that the appointment of the petitioner has been made contrary to the rules of appointment inasmuch as the members of the employment unit were not present. The Appellate Authority also noticed the admission of the Block Development Officer, Sarairanjan, that all the appointments were made at his level without informing the members of the employment unit. As per the 2006 Rules, only the Employment Unit is the competent authority to recommend/make appointments or cancel it and no other committee is empowered to do so with regard to the employment of the Panchayat Teachers.

9. Being aggrieved by the said order, dated 18.08.2010, passed by the District Appellate Authority, Samastipur, the petitioner filed CWJC No. 5535 of 2012 before this Court, which was dismissed on 26.03.2012 by this Court after arriving at the conclusion that there is no error in the order passed by the District Appellate Authority, Samastipur.
10. The petitioner, being aggrieved by the order, dated



26.03.2012, passed in CWJC No. 5535 of 2012, preferred L.P.A. No. 768 of 2012, which, too, got dismissed by a Division Bench of this Court, by order, dated 29.08.2014. The petitioner, then, filed Civil Review No. 318 of 2014, for review of the order, dated 29.08.2014, passed in L.P.A. No. 768 of 2012, which was also dismissed by order, dated 30.01.2019.

11. It appears that after dismissal of the L.P.A. No. 768 of 2012, on 29.08.2014, and during the pendency of Civil Review No. 318 of 2014, the petitioner, again, on 16.12.2014, filed an appeal before the District Appellate Authority, Samastipur, raising the same grievance as raised in Appeal Case No. 38 of 2014, with a prayer to quash the termination of the petitioner and to reinstate her on the post of Panchayat Teacher, which attained finality after order passed by the Division Bench of this Court, in L.P.A. No. 768 of 2012. The second appeal filed by the petitioner got dismissed on 03.07.2015. Thereafter the petitioner filed an appeal before the State Appellate Authority, which also got dismissed by order, dated 05.03.2018.

12. I have heard learned Counsel for the parties concerned.



13. Having heard learned Counsel for the parties and taking note of the fact that the petitioner is filing successive writ petitions before this Court after having dismissed her first writ petition, against the order passed by the District Appellate Authority, Samastipur and the letters Patent Appeal as well as Civil Review applications having been dismissed, again filed appeals before the District Appellate Authority, Samastipur as well as State Appellate Authority and after dismissal of the appeals, filed the present writ petition before this Court for the same relief, which, in my opinion, is abuse of the process of the Court.
14. This writ application, being devoid of any merit, is dismissed.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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