

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17695 of 2015

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Sudhir Kumar son of Jhari Yadv, resident of village- Bhawanipur, P.S.-
Naugachhia, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Department of Primary Education, Government of Bihar,
Patna.
3. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur.
4. The District Programme Officer Establishment, Bhagalpur.
5. The Block Development Officer, Rangra Chowk, District- Bhagalpur.
6. The Mukhia, Gram Panchayat Raj Bhawanipur, Block- Rangra Chowk,
District- Bhagalpur.
7. The Panchayat Secretary, Gram Panchayat Raj- Bhawanipur, Block- Rangra
Chowk, District- Bhagalpur.
8. The District Teachers Appointment Appellate Authority, Bhagalpur through
its Member.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunny Anand, Advocate
For the Respondent/s : Mr. Rajeev Ranjan, A C to GP 20

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application

for the following reliefs:

“i) A Certiorari setting aside the order dated 14.08.10 contained in memo No.552 passed by the District Teachers Appointment Appellate Authority, Bhagalpur in Case No. 11/09 whereby and where-under the Respondent Appellate Authority has illegally and without properly analyzing the grounds of the petitioner rejected the appeal filed by him.

ii) A Mandamus commanding and directing the Respondents concerned to appoint the petitioner on the post of Panchayat teacher under Gram



Panchayat Raj-Bhawanipur, Block-Rangra Chowk, District-Bhagalpur, as the petitioner is the candidate with highest merit points, but despite that the Respondents have appointed a person with much below marks.

iii) And/or any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of this case.”

3. The petitioner in the instant application is aggrieved by the act of the respondents not appointing him as a Panchayat Sikshak under Gram Panchayat Raj- Bhawanipur Block- Rangra Chowk in the district of Bhagalpur which was carried out under the Bihar Panchayat Primary Teachers Appointment Rules, 2006.

4. It is the case of the petitioners that though the petitioner secured 61.2 marks in the intermediate examination, he was never called for counseling on the basis of the merit list and instead one Guru Prasad Pravin who obtained only 46% marks in intermediate, was appointed. As such the petitioner filed an appeal before the District Teachers Appointment Appellate Authority, Bhagalpur which was registered as Appeal Case no.11 of 2009 (Sudhir Kumar and Ors versus Gram Panchayat Appointment Authority, Bhawanipur, Block Rangra Chowk and others), however, the same was dismissed by order dated 14.8.2010 (Annexure-2) by the appellate authority, which order is impugned herein.



5. Having heard learned counsel for the parties and having perused the contents of the petition, it appears that pursuant to the process of appointment having commenced, 27.7.2007 was the date fixed for counseling in which as many as 18 candidates appeared. However, the petitioner did not appear therein. It further transpires that even thereafter the petitioner did not file his objection within the time fixed.

7. This Court finds that besides the above, facts on the basis of which appeal filed by the petitioner has been rejected have not been contradicted or contested in the writ application.

8. Further, the petitioner is aggrieved by appointment of one Guru Prasad Pravin whose name finds mention in the order impugned as also in paragraph no.6 of the writ petition. However, the said Guru Prasad Pravin has not even been made a party respondent in the instant writ petition.

9. In view of the facts and circumstances stated hereinabove, the Court finds no merit in the writ petition and the same is dismissed.

(Partha Sarthy, J)

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