

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11166 of 2009

=====

NARESH KUMAR MAHTO, son of Shri Laddu Lal Mahto, resident of village – Jawaharpur, Post Office Konaila, Police Station – Ujiyarpur, District - Samastipur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Chief Secretary, Bihar, Patna.
2. The Commissioner cum Secretary, Human Resources Development Department, Bihar Patna
3. The District Teacher Appointment Appellate Authority through the District Magistrate, Samastipur
4. The District Magistrate, Samastipur
5. The District Education Officer, Samastipur
6. The District Superintendent of Education, Samastipur
7. The Block Development Officer, Ujiyarpur Block, Samastipur
8. The Block Education Extension Officer, Ujiyarpur Block, Samastipur
9. The Mukhiya, Gavpur Gram Panchayat, Ujiyarpur, Samastipur
10. The Panchayat Shikshak Niyojan Samiti, Gavpur Gram Panchayat, through the Gram Panchayat Sachiv, Gavpur Gram Panchayat, Ujiyarpur, Samastipur
11. The Gram Panchayat Sachiv Gavpur, Ujiyarpur, Samastipur
12. The Principal, Rajakiya Prathamik Vidyalaya, Deeh, Gavpur, Ujiyarpur Block, Samastipur.
13. Shree Dharmendra Kumar Paswan, son of Shree Ram Sagar Paswan, resident of village – Gavpur, Police Station – Ujiyarpur, District – Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Syed Asgher Najmi
For the Respondent/s	:	Ms. Namrata Mishra , Advocate
		Mr. Choudhary Shyam Nandan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- | | | |
|---|------------|---|
| 8 | 25-04-2024 | 1. The petitioner, being aggrieved by the order dated 06.03.2009 passed by the District Teachers Employment Appellate Authority, Samastipur (in short “District Appellate Authority”) has filed the present writ application for quashing the aforesaid order and the consequential letter issued by Panchayat Secretary, Gavpur, Ujiyarpur, District- Samastipur |
|---|------------|---|



(Annexure-5) .

2. Learned counsel for the petitioner submits that the petitioner was appointed as Panchayat Teacher in the Gavpur Gram Panhayat in the year 2007. His appointment was challenged by the respondent no. 13 before the District Appellate Authority on the ground that the petitioner was selected despite having lesser marks than the respondent no. 13.

3. The main contention of the petitioner is that the District Appellate Authority in Appeal No. 50 of 2008 has passed the impugned order cancelling the appointment of the petitioner without any notice to the petitioner and without giving him opportunity to place his defence before the District Appellate Authority. The petitioner was not made party also in the Appeal filed by the respondent no. 13 which would be evident from Annexure – 4 i.e. the impugned order.

4. Learned counsel for the State submits that there is no material on record to show that petitioner was made a party and notice was issued to him by the District Appellate Authority, as such, the matter may be remitted back to the District Appellate Authority.

5. No one appears for the respondent nos. 9, 11 & 13 despite service of notice.



6. Having heard learned counsel for the petitioner and State and after having gone through the materials on record it appears from the impugned order that the petitioner was not made a party- respondent before the District Appellate Authority by the respondent no. 13 and there is no material to show that the petitioner was noticed and was heard before passing of the impugned order by the District Appellate Authority.

7. In view of the above, the impugned order dated 06.03.2009 passed Appeal No. 50 of 2008 by the District Appellate Authority and the consequential letter issued by Panchayat Secretary, Gavpur, Ujiyarpur, District- Samastipur contained in Annexure -5 is set aside and the matter is remitted back to the District Appellate Authority for passing order afresh after giving due opportunity of hearing to the petitioner and all concerned.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

