

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18513 of 2015

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Jinatun Nisha W/o Zakir Hussain resident of village - Manjheli, Milik
Pahlagarh, P.S. - Pranpur, District – Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, Katihar, District - Katihar.
4. The Member District Teacher Employment Appellate Authority, Katihar.
5. The Mukhiya, Gram Panchayat Raj Sitalpur, Block Ajamnagar, District - Katihar.
6. The Panchayat Secretary, Gram Panchayat Raj Sitalpur, Block Ajamnagar, District - Katihar.
7. Md. Alfaj Alam S/o Late Md. Suleman resident of village - Teliabad, P.S. - Pranpur, District - Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
		Mr. Anisur Rahman, Advocate
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP4

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 04-03-2024 1. Heard learned counsel for the petitioner and

learned counsel for the respondents.
2. The petitioner has filed the instant application for
the following relief/s:-

“1. For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents authorities to appoint the petitioner as Panchayat Teacher in view of order passed by respondent no. 4 in Appeal No. 80 of 2010 vide order contained in Memo no. 171 dated 24.6.2013 on the place/post on which respondent no. 7



is working illegally by producing fake certificate before the Employment Unit, which has been held as forged document by the Three Man Committee constituted by Madarsa Board on 29.3.2012.

2. For issuance of any other appropriate writ/writs, order/orders direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. The case of the petitioner is that the petitioner had made an application for appointment as a Panchayat Teacher in the subject of Urdu under the EBC category. The respondent no. 7 was appointed against the said post. On the genuineness of the certificate used by the respondent no. 7 for securing his appointment having been challenged, the respondent no. 7 filed CWJC no. 17573 of 2012 as also C.WJC no. 5124 of 2013, both of which were dismissed vide order dated 11.9.2018 with a further direction to the Superintendent of Police, Katihar to get an F.I.R registered in light of the facts noted in the said order. L.P.A no. 1666 of 2018 having been preferred against the order passed in the writ application was dismissed for non-compliance of the peremptory order passed therein.

4. Learned counsel for the petitioner submits that the petitioner had preferred Appeal no. 80 of 2010 before the



District Teachers Appointment Appellate Authority, Katihar against the order of appointment. The respondent no. 7 in the instant application was made respondent no. 5 before the Appellate authority. By order contained in memo no. 171 dated 24.6.2013, the Appellate authority allowed the appeal preferred by the petitioner and set aside the order of appointment of respondent no. 7. As such it is submitted that the respondents be directed to appoint the petitioner as Panchayat Teacher.

5. In response it is submitted by learned counsel appearing for the respondents that from perusal of the order of the Appellate authority dated 24.6.2013, it would transpire that though the appointment of the respondent no. 7 herein was set aside, however there was no direction to appoint the petitioner as a Panchayat Teacher. It is further submitted that it is also not evident as to whether even on the respondent no. 7 making way and a vacancy for appointment having been created, whether as per the merit list prepared, the petitioner would rank at what position of the said merit list.

6. In response learned counsel for the petitioner in reference to paragraph no. 9 of the application submits that out of the four candidates of the EBC Urdu category, only Sahanaz Begum was appointed and thus the petitioner was the second



candidate who appeared for counseling.

7. In view of the facts and circumstances of the case, this Court remits the matter back to the District Education Officer, Katihar (respondent no. 3) before whom the petitioner will file a detailed representation. In case such a representation is filed within a period of three months, the respondent concerned shall hear all necessary parties including the respondent nos. 5 and 6 and pass an order in accordance with law.

8. In case the petitioner is aggrieved by the order passed, he will at liberty to challenge the same in accordance with law.

9. The writ application stands disposed of.

(Partha Sarthy, J)

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