

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.595 of 2021
In
Civil Writ Jurisdiction Case No.8600 of 2017

1. The State of Bihar.
2. The District Education Officer, Sitamarhi.
3. District Programme Officer Establishment, Sitamarhi.
4. Secretary, Gram Panchayat Raj, Khairwa Block, Dumra, District - Sitamarhi.

... .. Appellant/s

Versus

Priyanka Jaiswal, Wife of Shri Aakash Lath Resident of Goushala Road,
Bbargania, P.S. Bargania, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jai Prabhat Kishore, AC to SC 13

For the Respondent/s : Mr. Chandra Mohan Singh, Advocate
Mr.Gajendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 30-07-2025

The present intra-court appeal has been filed by
the appellants/State against the judgment dated 20.05.2021,
passed by the learned Single Judge in CWJC No. 8600 of
2017, whereby the writ petition was disposed of with a
direction to the District Education Officer, Sitamarhi to



verify the appointment records of the writ petitioner/respondent herein, and ensure her appointment, if the writ petitioner is found at Serial No. 1 in the merit list.

2. As per the facts on record, Notification No.1769 dated 24.11.2014 was issued by the Department of Education, where the procedure and the schedule to be followed for employment of Niyojit teachers at the elementary school in the year 2014-15, was provided. The notification stated that untrained candidates would not be eligible for appointment as teachers, after 31.03.2015.

3. In light of the aforesaid notification, an advertisement was published on 20.12.2014 (Annexure-P/1 of the writ petition) for the appointment of Panchayat Teachers. The writ petitioner applied for the advertised post on 18.01.2015, and a final merit list was prepared on 21.01.2015(Annexure-P/3 of the writ petition). The final merit list was to be approved by the District Education Officer, Sitamarhi (for brevity 'DEO') by 16.03.2015. In this merit list, the writ petitioner was placed at Serial No. 1 under the unreserved category and in the category of



untrained teachers. On 25.03.2015, the merit list was sent to the DEO for approval. However, when no appointment was made, the writ petitioner approached the Writ Court by filing CWJC No. 8600 of 2016, which was disposed of with a direction to the District Education Officer, Sitamarhi that if the writ petitioner is found at Serial No. 1 in the merit list, he shall ensure the appointment of the writ petitioner under unreserved category.

4. The counsel for the appellants/State submits that as per Notification No.1769 dated 24.11.2015, no appointment of untrained teachers was to be made after 31.03.2015. As the name of the respondent was at Serial No. 01 in the merit list of untrained teachers and on account of non-approval of the merit list by 16.03.2015, her appointment could not be done.

5. The learned Single Judge considered the submissions made by the respondents (appellants herein) and observed as under: –

“From the averments made in the counter affidavit noted hereinabove, it appears that the respondents have admitted the fact that the petitioner is at Sl. No. 1 in the merit list.



It is also admitted that the merit list was sent for approval of the District Education Officer, Sitamarhi. It is also evident that there is absolutely no objection so far as merit list is concerned. The only objection was that the approval of the merit list was not accorded before 16.03.2015 and as such notwithstanding the fact that the petitioner was at Sl. No. 1 in the merit list was ignored in the matter of appointment. In the aforesaid circumstances, the Court directed the respondents to file further affidavit but no such affidavit has been filed on their behalf.”

(Paragraph 5 of the impugned Judgment).

6. The selection process was already completed and the merit list was sent for approval on 25.03.2015, before the last date 31.03.2015, which could not be approved by the DEO, Sitamarhi, resultantly the appointment of the respondent could not be made.

7. In our opinion such approval of the merit-cum-selection list by the DEO, was a mere procedural formality, which could not vitiate the sanctity of selection of the respondent.

8. In light of the above, we find no need to



interfere in the order of the learned Single Judge, and the Appeal is accordingly dismissed.

9. Interlocutory application, if any, shall stand disposed of.

(Sudhir Singh, J)

(Ramesh Chand Malviya, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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