

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18019 of 2021

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Fatma Begum D/o Md. Farooque Azam Khan resident of Village and Post
Office- Samastipur, Police Station- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The District Programme Officer (Establishment), Bhagalpur.
7. The Block Development Officer, Shahkund, Bhagalpur.
8. The Block Education Officer, Shahkund, Bhagalpur.
9. The Panchayat Secretary, Gram Panchayat Basudeopur Block and Police Station- Shahkund, District- Bhagalpur.
10. The Mukhiya Gram Panchayat Basudeopur Block and Police Station- Shahkund, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda, Advocate
For the State	:	Mr. Madhukar Mishra, AC to SC-16
For the Intervener Petitioner:		Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 21-04-2025

Re.: I.A. No. 01 of 2022.

Heard Mr. Md. Najmul Hodda, learned counsel
appearing on behalf of the petitioner; Mr. Madhukar Mishra,
learned AC to SC-16 appearing on behalf of the State and Mr.
Manoj Kumar, learned counsel for the Intervener Petitioner.

2. The present interlocutory application has been filed
for impleading the present intervener petitioner, namely, Bibi



Shabnam Nikhat as party respondent to the writ petition in backdrop that the present intervener petitioner had preferred CWJC No. 21431 of 2019 and one Yasmin Begum has also preferred CWJC No. 23829 of 2019 against the order dated 21.06.2019 passed by the State Appellate Authority in Appeal No. 142 of 2018, which are pending before this Court. The intervener petitioner of the present interlocutory application was not impleaded as a party before the State Appellate Authority, however, Yasmin Begum, who is the petitioner of CWJC no. 23829 of 2019 was party before the State Appellate Authority in Appeal Case No. 142 of 2018. Intervener petitioner is aggrieved that she is working as teacher and as such she is required to be heard.

3. Considering the reasons assigned in the interlocutory application and the affidavit, the I.A. No. 01 of 2022 is allowed.

4. Office is directed to make necessary amendment in the cause title of the writ petition by adding the name of the present intervener petitioner in the cause title, in the column of respondent/s.

Re.: CWJC No. 18019 of 2021.

5. It is well settled principle of law that any



judgment/decreed obtained, in absence of the necessary party is required to be interfered. I find that the State Appellate Authority has dealt with the facts but the intervener petitioner of the I.A. No. 01 of 2022 was not a party in Appeal Case No. 142 of 2018 before the State Appellate Authority.

6. I would have interfered with the order of the State Appellate Authority on the sole ground that the order dated 21.06.2019 passed in Appeal No. 142 of 2018 has been passed without hearing the necessary parties, but, at the same time, I find that the very selection, which has taken place in the year 2008 is required to be scrapped, taking into consideration the manner in which the appointing unit of Gram Panchayat-Basudeopur, Block-Shahkund, District- Bhagalpur has functioned. As such, the matter is referred to the Additional Chief Secretary, Education Department, Government of Bihar, for taking appropriate action in respect of the appointment of the year 2008 by calling the records relating to the selection and appointment of Urdu Teacher in the Gram Panchayat-Basudeopur Block-Shahkund, District- Bhagalpur, after giving due opportunity of hearing to the appointing unit and all the concerned respective parties.

8. Accordingly, the present writ petition stands



disposed of.

(Purnendu Singh, J)

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