

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11609 of 2017

Neetu Kumari D/o Devendra Sahu resident of Dosut, P.O. Dosut, P.S. Warsaliganj, District Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Nawada.
4. The District Education Officer, Nawada.
5. The District Programme Officer Estab., Nawada.
6. The Panchayat Secretary, Gram Panchayat Raj, Dosut, Police Station Warsaliganj, District Nawada.
7. The Mukhiya Gram Panchayat Raj, Dosut, P.S. Warsaliganj, District Nawada.
8. The State Appellate Authority, Education Department, 5C - D Niyojan Bhawan, Bailey Road, Patna.
9. The District Teachers Appellate Authority, Nawada.
10. Baby Kumari Daughter of Manna Sao resident of Village and Post Office - Akauna, P.S. Warsaliganj, District Patna presently posted as Assistant Teacher, Navshrijit Primary School, Kewal Bigha, P.S. Warsaliganj, District Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Naresh Prasad, Adv
For the State	:	Mr.Prabhakar Jha-Gp27
For Res. No. 10	:	Mr. Kumar Kaushik, Adv
		Mr. Hemant Raj, Adv
		Mr. Nanuata Dubey, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

6 27-11-2025 Heard learned counsel for the petitioner, learned counsel for the respondent no. 10 and learned counsel for the State.

2. In the present writ application, the petitioner has prayed for the grant of following reliefs:



(a) A certiorari for setting aside the order dated 24.05.17 passed in Token No.-Appeal/75/2017 by the Chairperson, State Appellate Authority, Bihar, Patna, whereby and whereunder he dismissed the appeal and uphold the order dated 03.03.2017 passed in Complaint case No. 5/17 by District Appellate Authority, Nawada.

(b) A certiorari setting aside the order dated 03.03.17 passed in Complaint Case No. 5/17 filed before the District Appellate Authority, Nawada whereby and whereunder the complaints of the petitioner had been rejected on the ground of limitation only and not on merit.

(c) A Mandamus commanding the respondent authority concern to appoint the petitioner to the post of Panchayat Teacher of Dosut Gram Panchayat under Warsaliganj Block in the district of Nawada in place of respondent no. 10 Baby Kumari in O.B.C.(F) category.

(d) Any other writ/writs for granting any relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the present case.

3. From the perusal of the writ application, it appears that the petitioner seeks to challenge the appointment of



respondent no. 10 which was made in the year 2007 pursuant to first phase of appointment in the year 2006 under Dosut Gram Panchayat. For questioning the said appointment, the petitioner filed an appeal before the District Teachers Appellate Authority in the year 2017 i.e. nearly after a decade and by order dated 03.03.2017 passed in Appeal Case No. 05 of 2017, the District Teachers Appellate Authority dismissed the appeal on the ground of being barred by limitation. The said order was challenged by the petitioner before the State Appellate Authority which has again been dismissed by order dated 24.05.2017 passed in Appeal Case No. 75 of 2017. The operative portion of the order passed by the State Appellate Authority is reproduced hereinbelow for needful:

“The plea taken by the appellants that the appointment of Panchayat teachers was kept secret is not satisfactory. Once the appointment of Panchayat teachers is made, it becomes known to the local people. The appellant has himself submitted that several complaints were filed against irregular appointment in Dosut Panchayat including complaints to BDO and writ petitions before Hon'ble Patna High Court. The plea taken by the appellants that they did not know about the appointment for about ten years



cannot be accepted. Hence, the learned District Authority has rightly dismissed the appeal as time barred.

Thus, I find that the appellants have not been able to establish a prima facie case against the impugned order. The appeals are accordingly dismissed at the stage of admission.”

4. Both these orders passed by the District Appellate Authority as well as State Appellate Authority have been challenged in the present writ application with a prayer that after setting aside both these orders, the matter be remanded back to the District Appellate Authority for deciding the case on merit because the petitioner contends that he secured more marks than respondent no. 10 and he ought to have been appointed at that point of time as Panchayat Teacher.

5. Learned counsel appearing for respondent no. 10 submits that in paragraph 3 of the appeal filed by the petitioner before the District Appellate Authority, the petitioner had submitted an explanation for delayed filing by stating that he was unaware of the appointment of respondent no. 10, which was made as far back as in the year 2007. The said explanation given by the petitioner has been dealt with by the State Appellate Authority. He further submits that in the present writ



application, the petitioner has not come up with any satisfactory reasoning for assailing the order of the State Appellate Authority.

6. Learned counsel appearing for the respondent-State supports the argument made by learned counsel for the respondent no. 10.

7. After careful consideration of all the facts and submissions made on behalf of the parties, this Court is of the view that the petitioner was a fence sitter and only in the year 2016 when a newspaper publication was made in regard to some other person's appointment having been set aside, that the petitioner got the idea to file the case in the year 2017. The Court is not convinced that in the year 2025, this Court should be entertaining a writ application for upsetting an appointment which has been made in the year 2007 as no compelling reason has been advanced by the learned counsel for the petitioner for interfering with the orders passed by District and State Appellate Authorities. Thus, having not found any merit, this writ application is dismissed.

(Alok Kumar Sinha, J)

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