

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.987 of 2023

In

Civil Writ Jurisdiction Case No.5823 of 2022

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Veermani Kumar, S/o Sri Randhir Kumar Sudhanshu, R/o Village-
Madarichak, P.O.- Sarain, P.S.- Makhdumpur, District- Jehanabad.

... .. Appellant/s

Versus

1. Rajesh Kumar S/o Sri Dhuja Yadav R/o Village- Mahaveer Ganj, P.S.-
Karpi, District- Arwal.
2. The State of Bihar, through Additional Chief Secretary, Education
Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Education Department, Govt. of Bihar,
Patna.
4. The Director, Primary Education Department, Government of Bihar, Patna.
5. The State Appellate Authority, through its Secretary, Niyojan Bhawan,
Bailey Road, Patna.
6. The District Appellate Authority, Arwal through its Secretary, District-
Arwal.
7. The District Magistrate, Arwal.
8. The District Education Officer, Arwal.
9. The District Programme Officer (Estt.), Arwal.
10. The Block Development Officer, Karpi, Arwal.
11. The Block Education Officer, Karpi, Arwal.
12. The Mukhiya, Gram Panchayat Raj Keyal, Block- Karpi, District- Arwal.
13. The Panchayat Secretary, Gram Panchayat Raj Keyal, Block- Karpi,
District- Arwal.

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms. Rishika Jha, Advocate

For the Respondent/s : Mr.Sarvesh Kr. Singh,AAG-13

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RAMESH CHAND

MALVIYA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date: 25-07-2025

Re.: Interlocutory Application No. 1 of 2023

The aforesaid interlocutory application has been



pressed for condoning the delay of 228 days in preferring this appeal.

2. For the reasons stated in the interlocutory application, the delay is condoned.

3. Interlocutory Application No. 01/2023 stands allowed.

Re.: L.P.A.No. 987 of 2023

The present intra-court appeal has been filed challenging the judgment dated 25.11.2022 passed by the learned Single Judge in CWJC No. 5823 of 2022, whereby the learned Single Judge, while allowing the writ petition, set aside the order of the State Appellate Authority and further directed that the writ petitioner be allowed to continue on the post, draw salary and be entitled to arrears of salary.

2. The facts of the case are that in the year 2006, an advertisement was issued for the appointment of Panchayat Teachers in various schools of Gram Panchayats in District Arwal. The writ petitioner (Respondent No. 1 herein) had applied for the said post under Gram Panchayat-Raj Keyal, Block-Karpi, District Arwal. Counselling for the



said post was conducted and thereupon appointments were made based on the marks obtained by the candidates. The appellant (Respondent No. 13 in writ petition) was appointed to the said post on the basis of his merit, but the writ petitioner was not appointed.

3. The writ petitioner challenged the appointment of the appellant before the concerned Block Development Officer, who, at that time, was the Appellate Authority under the relevant rules. Subsequently, after the amendment of the Bihar Panchayat Elementary Teacher (Employment and Service Conditions) Rules, 2006, the appellate power was vested with District Teacher Appointment Appellate Authority. The District Appellate Authority, by its order dated 08.02.2010, considered the grievance of the writ petitioner and the appointment of the appellant was held to be invalid, and the writ petitioner was allowed to join the post.

4. The said order of the District Appellate Authority dated 08.02.2010 was challenged by the appellant in CWJC No. 4612 of 2010, which was dismissed on 11.04.2013, while the direction of the Tribunal to appoint



the writ petitioner was set aside. Aggrieved by this, the writ petitioner preferred LPA No. 602 of 2013. Vide order dated 27.01.2014, the said appeal was disposed of by setting aside both the order of the District Appellate Authority dated 08.02.2010 and the order of the learned Single Judge dated 11.04.2013. The matter was remanded to the District Appellate Authority to decide the same afresh.

5. In terms of the aforesaid direction, the writ petitioner filed an appeal before the District Appellate Authority, which again held the appointment of the appellant to be illegal. The Panchayat Employment Unit was directed to initiate a fresh proceeding for appointment to the said post.

6. The matter was further challenged before the State Appellate Authority, which, vide order dated 30.03.2022 (Annexure-1) held the appointment of the appellant/Respondent No. 13 to be valid and set aside the order of the District Appellate Authority. The writ petitioner, being aggrieved by the said decision, challenged it in CWJC No. 5823 of 2022. By order dated 25.11.2022, the learned Single Judge quashed the order of the State



Appellate Authority and allowed the writ petitioner to continue in service with all benefits, as indicated in the order under challenge. The appellant has challenged the order of the Writ Court dated 25.11.2022, which is impugned in this appeal.

7. The learned counsel for the appellant relied on the findings of the State Appellate Authority and submitted that the writ petitioner did not participate in the counselling, whereas the appellant had duly participated in the counselling held for the said post. The learned counsel, thus, submitted that the Respondent No. 1/writ petitioner could not have been selected for the post, if he did not participate in the counselling.

8. On the other hand, the learned counsel for the Respondent No. 1 submitted that he had duly participated in the counselling conducted for the said post and was duly appointed to the post.

9. From the submissions of the parties and documents on record, including the order of the District Appellate Authority, it is evident that in the first round of litigation, the dispute relating to the appointment of



Panchayat Teacher, between the appellant and the Respondent No. 1, came to be concluded by the order dated 27.01.2014 passed by a Co-ordinate Bench of this Court in LPA No. 602/2013 with analogous case. By the said order, the Co-ordinate Bench had set aside the orders of the Writ Court and the Tribunal and remanded the matter to the District Appellate Authority (referred to as 'Tribunal' therein) with a direction to the concerned officials to produce the original selection records before the concerned authority and further directed the District Appellate Authority to pass a fresh order within a period of three months.

10. In compliance of the said order, the District Appellate Authority, Arwal, considered the matter afresh in Appeal No. 24/2014 filed by the writ petitioner and held that the writ petitioner had participated in counselling but the appointment letter was issued in favour of the appellant after forgery was committed in the original records by the members of the Appointing Authority. This finding of the District Appellate Authority was affirmed by the Writ Court.

11. We also do not find any valid reason to doubt



the correctness of the factual finding recorded by the District Appellate Authority, or the correctness and propriety of the order of the Writ Court.

12. Accordingly, we find that the learned Single Judge has rightly set aside the order of the State Appellate Authority. Hence, the order of the learned Single Judge requires no interference and the appeal is hereby dismissed.

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

14. We also appreciate the arguments advanced by Ms. Rishika Jha, learned counsel appearing for the appellant.

(Sudhir Singh, J)

(Ramesh Chand Malviya, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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