

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.808 of 2024

In
Civil Writ Jurisdiction Case No.20531 of 2021

=====

Mamta Kumari Daughter of Ram Bahadur Sah and Wife of Manish Kumar
Gupta Resident of Village and Post- Dharhara, P.S.- Banmankhi, District-
Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Chair Person (A), State Appellate Authority, Education Department,
Bihar, Patna.
5. The Divisional Commissioner, Purnea.
6. The District Magistrate, Purnea.
7. The Presiding Officer, District Appellate Authority, Purnea.
8. The District Programme Officer, Establishment, Purnea.
9. The Block Development Officer, Banmankhi, District- Purnea.
10. The Block Education Officer, Banmankhi, District- Purnea.
11. The Mukhiya Grampanchayat Raj Dharhara, P.S. and Block- Banmankhi,
District- Purnea.
12. The Panchayat Secretary Gram Panchayat Raj, Dharhara, P.S. and Block-
Banmankhi, District- Purnea.
13. Kavita Kumari, Daughter of Kapil Deo Poddar and Wife of Sanjay Kumar
Resident of Village and P.O.- Dharahara, P.S.- Banmankhi, District- Purnea.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Siya Ram Shahi, Advocate Mr. Amarnath Jha, Advocate
For the State	:	Mr. Additional Advocate General 13

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 05-08-2025



The present intra court appeal has been filed against the judgment dated 16.07.2024, passed by the learned Single Judge in CWJC No. 20531 of 2021, whereby the writ petition filed by the appellant/writ petitioner was dismissed. The learned Single Judge while dismissing the writ petition held that the appellant had not appeared in the counselling process for the appointment of Panchayat Teachers, and therefore, he could not claim appointment to the post of Panchayat Teacher.

2. As per the facts on the record, the appellant had applied for the post of Panchayat Teacher at Primary School, Mandal Tola in Dharahara Gram Panchayat, Block-Banmankhi, District- Purnea. The counselling for the said post was held on 28.02.2009. The appellant had not appeared in the counselling, however, she claims that she was not allowed to appear for the counselling, and was returned by the concerned authorities, who informed her that the counselling was only for the trained candidates.

3. The learned counsel for the appellant submitted that objections were filed before the Block Development Officer (for brevity "B.D.O.") and thereafter before the District Appellate Authority. When the grievance of the



appellant before the District Appellate Authority was rejected, she approached the State Appellate Authority, which remanded the matter back to the District Appellate Authority. Upon remand, the District Appellate Authority allowed the claim of the appellant. Aggrieved by the same, respondent No. 13 filed an appeal before the State Appellate Authority, which was disposed of by setting aside the appointment of both the appellant and the respondent No. 13 herein.

4. The learned counsel for the appellant further submitted that the claim of the appellant was rejected only on the ground that she had approached the wrong forum, i.e., the B.D.O. and approached the District Appellate Authority by filing appeal, after a period of two years, in 2011.

5. The learned counsel for the respondents-State submitted that the ground for rejection of the claim of the appellant and the respondent No.13 was that they were never part of the original counselling, which was held on 28.02.2009. The name of the appellant was not there in the counselling register. The learned counsel also relied on the observations made by the learned Single Judge where the Court had observed:-

“.....As far as, the petitioner, namely.



Mamta Kumari, is concerned she has admitted that she was not present in counselling. But she has contended that she had gone for counselling but was returned.....” (Paragraph 9 of the impugned judgment).

6. The learned counsel for the respondents-State further submitted that the representation, which was made before the B.D.O., was unsigned and unstamped (Annexure-3 of the writ petition), and such statement was also denied by the B.D.O. in Paragraph No. 7 of the counter affidavit.

7. The appellant did not prefer any appeal before the statutory forum prior to 2011. She has claimed that an objection was made before the B.D.O., but there is no valid representation to that effect. This delay of two years in filing the appeal before the District Appellate Authority has not been explained properly by the appellant. Thus, no sufficient explanation has been provided inasmuch as the condonation of delay.

8. Additionally, the claim of the appellant that she was denied entry into the counselling, is also not supported with any evidence, and such contention was not made before the District Appellate Authority.

9. In view of the facts and discussions made above,



we do not find a valid reason to interfere with the order of the learned Single Judge.

10. The appeal stands dismissed.

11. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, J)

Ramesh Chand Malviya, J: I agree

(Ramesh Chand Malviya, J)

Anushka/-

AFR/NAFR	NAFR
CAV DATE	29.07.2025
Uploading Date	05.08.2025
Transmission Date	

