

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6445 of 2021**

Om Prakash Pathak S/o - Sri Bhola Pathak R/o Village - Sohanariya, P.S. -  
Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,  
Govt. of Bihar, Patna.
2. The Deputy Development Commissioner, Gopalganj.
3. The Block Education Extension Officer, Panchdaori, Gopalganj.
4. The Block Pramukh- cum - President, Selection Committee, Panchadeori,  
Gopalganj.
5. The Mukhia, Gram Panchayat Raj Majhwaliya, Gopalganj.
6. The Panchayat Secetary, Gram Panchayat Raj, Majhwaliya, Gopalganj.
7. The Head Master, Utkramit Madhya Vidhyalaya, Majhwaliya, Gopalganj.
8. The Member, District Teacher Appointment Appellate Authority, Gopalganj.
9. Vinay Shankar Dubey, Assistant Teacher Buniyadi Vidyalaya, Gopalganj.
10. Hare Ram Tiwary S/o - not known, Prakhand Shikshak, Utkramit Madhya  
Vidyalaya, Manjhawalia (Panchadeori), P.S. - Kateya, District- Gopalganj.

... .. Respondent/s

**Appearance :**

|                      |   |                             |
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| For the Petitioner/s | : | Mr. Vishwajeet Kumar Mishra |
| For the Respondent/s | : | Mrs. Abhanjali, AC to GA-12 |
|                      |   | Mr. Sudhanshu Kumar         |
|                      |   | Mr. Umesh Kumar Mishra      |
|                      |   | Mr. Sanjay Kumar Pandey     |

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

13    20-01-2026                      Learned counsel for the petitioner and learned  
counsel for the respondents are present.

2. Learned counsel for the petitioner submits that,  
despite best efforts, the original application form pursuant to  
which the appointment is said to have been made has not been  
brought on record by the authorities. Owing to such inability to



produce the said application form, costs have even been awarded against the Block Education Extension Officer, Panchdaori, by the State Appellate Authority, Patna.

3. On the other hand, learned counsel for the State submits that even if the application form pursuant to which the appointment is said to have been made is made available, which is presently not the case and is not available with the employment unit owing to the lapse of almost 21 years from the date of initial appointment, the fact remains that this petitioner could not have been legally appointed to the post of Panchayat Teacher, while the eligibility for the said post was that of a trained teacher, a certificate to that effect, which admittedly this petitioner did not possess, and the appointment, which is said to have been given pursuant to the order passed by the District Appellate Authority, along with the appointment of respondent no. 10, Hare Ram Tiwari, has consistently been put under challenge before the authorities, including the District Appellate Authority and the State Appellate Authority, and the order under challenge records a concurrent finding against this petitioner for which there is no plausible explanation.

4. Be that as it may, since the petitioner admittedly did not possess the requisite qualification on the date of



appointment, as stated in his own pleadings, this Court is not inclined to proceed further with the challenge raised. The relief sought is legally not maintainable in view of the concurrent findings recorded by the District Appellate Authority and the State Appellate Authority.

5. Accordingly, this application stands dismissed.

**(Ajit Kumar, J)**

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