

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1287 of 2023

In

Civil Writ Jurisdiction Case No.10383 of 2011

Indu Kumari Resident of Village- Kurpat, P.S.- Parghari, P.S.- Sabour,
District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, H.R.D. Department, Govt. of Bihar, Patna.
2. The Director Primary Education, Education Department, Govt. of Bihar, Patna.
3. The District Superintendent of Education, , Bhagalpur.
4. The Block Education Officer, Sabour, Bhagalpur.
5. The District Teachers Appointment Appellate Tribunal, Bhagalpur through its President.
6. The Block Development Officer, Sabour, Bhagalpur.
7. The Panchayat Secretary, Baijalpur Gram Panchayat, Block-Sabour, District-Bhagalpur.
8. Urmila Devi, wife of Sri Murlidhar Pandit, Village-Kurpat, P.S.-Sabour, District-Bhagalpur.
9. The Mukhiya, Gram Panchayat Baijalpur, Sabour, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Navjot Yesu, Advocate
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

5 11-02-2026

Re: I.A. No. 01 of 2023

Learned counsel for the appellant presses I.A. No. 01
of 2023 for condoning the delay of 314 days in preferring this
appeal.

2. For the reasons stated in the application, the delay



in preferring this appeal is condoned.

3. I.A. No. 01 of 2023 stands allowed.

Re: LPA No.1287 of 2023

4. The present *intra* court appeal has been preferred by the appellant against the judgment and order passed by the learned Single Judge in CWJC No.10383 of 2011, whereby the writ petition filed by the appellant was dismissed.

5. In the writ petition, following reliefs have been sought for by the writ petitioner:-

(i) For quashing the order contained in Memo No. 330 dated 30.4.2011 (Annexure-8) passed by Member of Zila Shikshak Niyojan Appealiye Pradhikar, Bhagalpur (Tribunal) in Appeal Case No. 101/2009 whereby and whereunder Niyojan (Contract) of Petitioner as Panchayat Teacher in Primary School, Naya Tola, Kurpat has been cancelled and further directed to appoint the respondent no.3 in her place.

(ii) For issuance of writ of Mandamus directing the respondent to reinstate the petitioner to the post on which she was working after appointment."

6. The brief facts giving rise to the present appeal are that pursuant to an advertisement issued in the year 2008 for appointment to the post of Panchayat Teacher on contractual basis, the appellant applied, and upon counselling, was placed first in the merit list. An appointment letter dated 14.08.2020



was issued in her favour and she joined the post. Subsequently, by order dated 30.04.2011 passed in Appeal No. 101 of 2009 by the District Teachers Appellate Authority, Bhagalpur, her appointment was cancelled on the allegation that she had secured appointment on the basis of an inadmissible experience certificate.

7. Learned counsel for the appellant submits that the learned Single Judge failed to properly appreciate the material available on record and that the order of District Appellate Authority was passed in violation of the principles of natural justice, as no opportunity of hearing was afforded to the appellant. It is further submitted that the weightage of 20 marks was granted on the basis of her experience as an Instructor and not as an Anganbari Worker, and that the certificate relied upon was duly verified and genuine.

8. *Per contra*, learned counsel for the respondents submits that the learned Single Judge, after meticulous examination of the record, rightly affirmed the order of the District Teachers Appellate Authority. It is submitted that the experience claimed by the appellant pertained to her engagement as an Anganbari Worker, which was not admissible for grant of weightage under the applicable norms for



appointment as Panchayat Teacher. It is further submitted that though the District Appellate Authority had not granted hearing to the appellant, the learned Single Judge, considering the prolonged pendency of the matter since 2011, examined the entire record and afforded adequate opportunity to the appellant before arriving at a just conclusion.

9. The learned Single Judge, upon due consideration of the pleadings and materials available on record, has observed as under:

“5. This writ petition is pending since 2011. The petitioner is no more in employment. While it may be correct that the District Appellate Authority has passed an order without serving notice on the petitioner and the order therefore cannot be sustained but in order to meet the ends of justice, this Court has examined the application form of the petitioner and if satisfied that the experience was on the basis of her working as an Anganwari worker at Bhagalpur which she mentions in column 15 of the application form which she has herself placed before this Court as Annexure 3. For the post of Panchayat Teacher such experience could not have been considered for granting weightage.

6. Keeping in view thereto, the ultimate conclusion drawn by the District Appellate Authority is found to be correct by this court and no purpose would be served to send the matter again back to the District Appellate Authority for rehearing. In the present case post-facto hearing is found to be sufficient. Keeping in view thereto, the writ petition is found to be devoid of merit and is accordingly dismissed. Interim order if any stands dismissed.”

10. The limited issue for consideration before this



Court is whether the impugned order passed by the learned Single Judge suffers from any illegality, perversity, or material irregularity warranting interference in exercise of intra- court appellate jurisdiction.

11. We have heard learned counsel for the parties and perused the materials available on record. It is well settled that the scope of interference in an intra-court appeal against the judgment passed by the learned Single Judge is limited. Unless the findings recorded are shown to be perverse, contrary to the evidence on record, or suffering from any patent illegality, interference is not justified.

12. From a perusal of the impugned judgment, it is evident that the learned Single Judge independently examined the application form and documents submitted by the appellant and recorded a categorical finding that the experience claimed by the appellant pertained to her engagement as an Anganbari Worker, as disclosed in the relevant column of the application form.

13. It is not in dispute that such experience was not admissible for grant of weightage for appointment to the post of Panchayat Teacher under the governing norms. The finding recorded by the learned Single Judge is based upon the



appellant's own documents and cannot be said to be based on no evidence or extraneous considerations.

14. So far as the plea of violation of principles of natural justice is concerned, the learned Single Judge has duly taken note of the fact that the District Teachers Appellate Authority had passed the impugned order without affording notice to the appellant. However, instead of remanding the matter after long lapse of time, the learned Single Judge examined the entire record and afforded opportunity to the appellant to substantiate her claim. Upon such consideration, the Writ Court found that the ultimate conclusion of the Appellate Authority was correct and that remand would be an empty formality.

15. In the facts and circumstances of the case, the approach adopted by the learned Single Judge cannot be said to be arbitrary, perverse or legally unsustainable.

16. We do not find that the impugned judgment suffers from any error apparent on the face of the record, nor has any perversity or material irregularity been demonstrated so as to warrant interference in the present appeal.

17. In view of the aforesaid discussion, we are of the considered opinion that no case for interference is made out.



The judgment and order passed by the learned Single Judge in CWJC No. 10383 of 2011 is hereby affirmed.

18. Accordingly, the present *intra* court appeal stands dismissed.

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

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Suruchi/Rajesh/-

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