

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5512 of 2020

=====

Chandra Bhushan Chaubey Son of Late Shiv Sagar Chaubey, Resident of
Village- Chargaha, Post Office- Laxmipur Policen Station- Chanpatia,
District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Education Department, Govt. of Bihar, at Patna.
2. The Director, Primary Education, Govt. of Bihar, at Patna.
3. The Collector-Cum-District Magistrate, West Champaran at Bettiah.
4. The District Education Officer, West Champaran at Bettiah.
5. The Block Development Officer, Anchal/Block Majhaulia, District- West Champaran.
6. The Block Welfare Officer, Anchal/Block- Majhaulia, District- West Champaran.
7. The Block Education Officer, Anchal /Block Majhaulia, District- West Champaran.
8. The Mukhia, Gram Panchayat Raj, Barwa, Semara Ghat, Majhaulia Block, District- West Champaran.
9. The Panchayat Secretary, Gram Panchayat Raj Barwa Semara Ghat, Majhaulia Block, District- West Champaran.
10. Ataul Haque, Son of Raisul Azam, Resident of Village- Bhograhi, Police Station- Majhaulia, District- West Champaran.
11. Sarita Kumari, Daughter of Dinbandhu Pandey, Wife of Ranjan Kumar Mishra, Resident of Village- Parau Tola, P.S. Lauria, District- West



Champan, Presently residing at Mohalla- New Kamal Nath Nagar,
Police Station- Bettiah Town, District- West Champan.

12. Safina Khatoon, Daughter of Saheb Hussain, Wife of Saifi Ahmad,
Resident of Village- Jaukatia, Police Station- Majhulia, District- West
Champan, Presently at Village- Beldari, P.S. Bettiah Muffasil, District-
West Champan.
13. Ranvijay Sharma, Son of late Om Prakash Sharma, Resident of Village-
Shikarpur, Police Station- Majhulia, District- West Champan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy
For the Respondent/s : Mr. Mrigendra Kumar (Gp20)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 19-01-2022

1. Heard Mr. Shiv Kumar Dwivedy, the learned
counsel for the petitioner and Mr. Mrigendra Kumar, the
learned counsel for the State.

2. The petitioner has challenged the order passed
by the District Teachers Employment Appellate Authority,
West Champan dated 17.12.2012 as also the order
passed by the State Appellate Authority, Patna on
27.03.2019, dismissing the claim of the petitioner that he



did not have any notice of counselling which was held on 12.04.2012.

3. It appears from the records that the petitioner had participated in the counselling which was held on 28.02.2009. Thereafter another counselling was held on 15.02.2011 after proper notice and paper publication. However, when it was found that the proceeding had been conducted in the absence of the B.D.O., Manjhauriya, the outcome of such counselling process was never acted upon. It was thereafter that the counselling was fixed on 12.04.2012 by the order of the B.D.O., Manjhauriya.

4. In this instance, it has been urged that since no notice was given to large number of candidates and there was no paper publication, therefore, the petitioner could not appear in such counselling.

5. The issue was examined by the District Teachers Employment Appellate Authority as well as by the State Appellate Authority and it was found that in the appointment process of Panchayat Teachers in Gram Panchayat Barwa Semra Ghat under Majhauriya block in



the district of West Champaran, the counselling and verification of documents was first held on 28.02.2009. Later, a complaint was made before the District Teachers Employment Appellate Authority, West Champaran (hereinafter referred to as the District Authority) vide Case No. 436/2010 alleging irregularities in the process of counselling, which called for a report from the concerned Panchayat Secretary and the process of employment was stayed for a while. Subsequently, the District Authority passed a final order on 27.12.2010, directing the Panchayat Employment Unit, Barwa Semra Ghat to complete the process of employment in accordance with rules. The B.D.O., Majhauriya was also further directed to oversee the entire process of employment and ensure that the rules in that regard are properly adhered to.

6. Based on the aforesaid direction, a counselling was held on 15.02.2011. However, the B.D.O., Majhauriya was not present on that date and, therefore, another counselling was held in the block office on 12.04.2012.

7. With respect to this counselling, it appears



from the records, a direction was issued by the B.D.O., Majhauriya to the concerned Panchayat Secretary to publish the notice of such counselling by pasting it on the notice board of Panchayat office & block offices. On such directions, necessary notices were pasted on the notice boards of the afore-mentioned offices.

8. The counselling was held on 12.04.2012 in block office in which the petitioner admittedly did not appear.

9. It is the contention of Mr. Dwivedy that if the petitioner had appeared in earlier two counselling which was not acted upon because of no fault of the petitioner, there was no reason for the petitioner to have absented himself on 12.04.2012 but for want of notice in that regard to him. It has further been submitted that the petitioner is a trained teacher, having higher marks than the private respondents who have been selected in the aforesaid counselling.

10. The petitioner has challenged the preparation of merit list and consequent appointment of Panchayat



Teachers before the District Authority, where his claim could not be sustained. This led him to prefer an appeal before the State Appellate Authority, which effort also was not successful.

11. Both the authorities have found that the counselling on 12.04.2012 was properly notified and was conducted under the supervision of the B.D.O. Majhauriya and no rule with regard to such process was breached. The State Appellate Authority has also found that the District Authority had entrusted the task of supervision of the process to the B.D.O. Majhauriya. Pursuant to the aforesaid order passed by the District Authority, 12th of April 2012 was the date fixed for counselling. It was thus found by the authorities that sufficient opportunity had been given to the candidates to appear in the counselling which was notified approximately two months before the date of counselling. There is no requirement of publishing notice in the newspaper. The petitioner was expected to be vigilant as he had participated in the earlier rounds of counselling and the date of 12th of April 2012 was fixed on



the direction of the District Authority.

12. Nothing tangible has been brought on record by the petitioner to dispute the contention of the respondent that the process was carried out in accordance with rules and under the supervision of B.D.O., Majhauriya.

13. In view of the aforesaid findings of the authorities below and nothing concrete having been brought on record to indicate that the petitioner was deliberately shut-out from the process of employment and others were appointed in his place even though he had better marks and was trained as a teacher also, no interference is required to be made with the aforesaid orders.

14. The petition is dismissed but without cost.

(Ashutosh Kumar, J)

sunilkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.01.22
Transmission Date	N/A

