

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1288 of 2014**

**IN**

**Civil Writ Jurisdiction Case No. 18131 of 2011**

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Dhiraj Kumar Singh, son of late Sachidanand Singh, resident of village - Sahuri,  
Police Station Birpur, District - Begusarai

..... Respondent No.6/Appellant

Versus

1. The State of Bihar through the Secretary, Human Resources Department, New Secretariat, Belly Road, Patna
2. The Selection/Appointment Committee of Primary Panchayat (south) under Barauni Block, District Begusarai, headed and represented by its Mukhiya
3. Mukhiya, Malhipur Gram Panchayat (south) under Barauni Block, District- Begusarai
4. Panchayat Secretary, Gram Panchayat Malhipur (south under Barauni Block, District- Begusarai
5. The District Teacher Employment Appellate Authority, Begusarai through Member.

..... Respondents/Respondents.

6. Sanjay Kumar Singh, son of Kharag Narayan Singh, resident of village- Bihat Tola Gurdaspur, Police Station- Barauni, District- Begusarai

..... Petitioner/Respondent

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**Appearance :**

For the Appellant : Shri Umesh Kumar Mishra, Adv.

For the Respondents : Smt. Nivedita Nirvikar, GA-10

Shri Dronacharya, Adv.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT


(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 15-04-2015

This Appeal is presented against the order dated 7.3.2014 passed by the learned single Judge in C.W.J.C. No.18131/11. The 6<sup>th</sup> respondent is the appellant.

For the sake of convenience, the parties are referred to as arrayed in the writ petition.

The petitioner (6<sup>th</sup> respondent) and others



submitted applications for the post of Panchayat Teacher in Malhipur Gram Panchayat, Block- Barauni of Begusarai District. The concerned authority selected and appointed the writ petitioner Sanjay Kumar Singh as a teacher. The writ petitioner filed an Appeal before the Appellate Authority i.e. District Teachers Employment Appellate Authority, Begusarai, 5<sup>th</sup> respondent. The Appeal was allowed on 22.8.2011 and the appointment of the writ petitioner was set aside. A direction was also issued for appointment of the 6<sup>th</sup> respondent as a Teacher. Aggrieved by that order, the writ petitioner (6<sup>th</sup> respondent herein) filed C.W.J.C. 18131/11 He pleaded that he secured 585 marks in Intermediate examination, whereas the 6<sup>th</sup> respondent secured only 522 marks only and still the Appeal was allowed. Learned single Judge allowed the writ petition and has set aside the order dated 22.8.2011 passed by the 5<sup>th</sup> respondent and remanded the matter for fresh consideration. The same is under challenge in this Appeal.

On the face of it, the Appeal is not maintainable on facts. If what was pleaded by the writ petitioner was true, it was a case to be allowed straightaway, without any further process, whatever. In all fairness to the writ petitioner (6<sup>th</sup> respondent herein) the learned single Judge remanded the

matter for fresh consideration and verification of the record.

We see no reason to interfere with such an order.  
The writ appeal is dismissed as not maintainable.

Interlocutory application, if any, stands disposed  
of.

There shall be no order as to costs.

**(L. Narasimha Reddy,CJ)**

**(Sudhir Singh, J)**

K.C.jha/-  
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