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27/8/14

In the High Court of Judicature at Patna  
(Letters Patent Appellate Jurisdiction)

LPA No. – of 2014

(Arising out of order dated 24.7.2014 passed in CWJC  
No. 13904/2010)

Namita Kumari – Petitioner --- Appellant

Vs

The State of Bihar & Ors -- Respondents

Subject - Letters Patent Appeal (LPA)

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**In the High Court of Judicature at Patna**

**(Letters Patent Appellate Jurisdiction)**

**LPA No. – of 2014**

**(Arising out of order dated 24.7.2014 passed in CWJC  
No. 13904/2010)**

**Namita Kumari**

**---Petitioner**

**Vs**

**The State of Bihar & Ors.**

**– Respondents**

**Synopsis**

This memo of appeal is directed against the order dated 24-7-2014 passed in cwjc no19035/2010 (Namita Kumari vs The State of Bihar and others) by the Learned Single Judge of this Hon'ble Court.

**Prayer:-**

**A. Certiorari**

- (i) For quashing the impugned order passed by the /Applleate Tribunal, Madhepura dated 10/07/2010 in appeal no. 26/2009 and 10/2010 whereby and where under upholding the appointment of Panchayat Teacher.

Rahta Gram Panchayat in question.

- (ii) For quashing the consequential order dated 21/07/2010 vide letter no. 1-1 issued by the Panchayat Officer Gram Panchayat Rahta, under the signature of the Mukhiya (Respondent No. 11) and Panchayat Secretary (Respondent No. 10) issued pursuant to the order passed by the Respondent No. 3 in appeal no.26/2009 and appeal no. 10/2010 by which canceling the appointment of the petitioner with immediate effect.

**A. Mandamus:**

- (i) For the direction to the Respondent No. 1 to 10 to reinstate the petitioner on the post of Prakhanda / Panchayat Shikshak and at least not disturbs her from discharging duties on the said post.
- (ii) For direction upon the Respondent authorities not to fill up the post during pendency of this Writ Application.

**Relevant Facts Dates and Events**

- 12-8-2006 Process was started.
- 5-9-2006 Petitioner applied with the certificates.

- 2-3-2007** Earlier selection made by the Mukhiya and Panchayat Secretary of 11 candidates.
- 9-3-2007** Some other aggrieved persons have filled complaint petition before the B.D.O. Kumarkhand regarding illegal selection of the 11 candidates done by the selection committee of the Gram Panchayat in question.
- 23-3-2007** After enquiry B.D.O. Kumarkhand cancelled the selection done by the Mukhiya and Panchayat Secretary of the Gram Panchayat in question. The said order was passed by the B.D.O. Kumarkhand in exercise of power conferred on him at that time under rule – 18 of Bihar Primary Panchayat Teacher (service condition and appointment) rules 2006.

(Annexure – I of the Writ Petition)

- 30-3-2007  
& 31-3-  
2007** B.D.O. Kumarkhand kept the matter before the DM DSE Madhepura in meeting and process to cancel the entire selection process relating to the Rahta Gram Panchayat in question.

(Annexure – 2 of the writ petition)

**13-10-2007** B.D.O. Kumarkhand issued order to the members of selection committee for their presence on 18-10-2007 and 19-10-2007 at 9 Am to 5 PM in the Block Office with all documents regarding employment of the candidates of the Rahta Gram Panchayat.

(Annexure – 3 of the writ petition)

**27-10-2007** General information has been given by Panchayat Secretary to the candidates regarding selection process of Rahta Gram Panchayat in question at his office information board further presence on the same day at 10. Am to 5 PM with relevant documents.

(Annexure – 4 and 4/1 of the writ petition)

**28-10-2007** Provisional list of the candidates were published petitioners sl no – was at sl no. 19.

(Annexure – 5 of the writ petition)

**30-10-2007** Final list of selected candidates were published, but petitioner – appellant name was not there.

(Annexure – 6 of the writ petition)

**31-10-2007** Petitioner appellant moved before the D.M. Madhepura and copy the same has been sent to the

Respondent concerned i.e. the B.D.O. Kumarkhand for redressal of her grievances.

(Annexure – 7 series of the writ petition)

**29-11-2007** After enquiry Block Development Officer Kumarkhand directed the Panchayat Secretary to include the name of the petitioner in selection list and give her selection letter.

(Annexure – 8 of the writ petition)

**30-11-2007** Respondent no. 9 i.e. Panchayat Secretary Rahta Gram Panchayat issued selection letter/appointment letter and directed her to join on 30-11-2007 and accordingly she join on the same day at primary school Nav Srijit Hanuman Nagar Chakla.

List of selected 11 candidates of teacher of the Rahta Gram Panchayat in question has been published.

(Annexure – 10 of the writ petition)

**26/2009 & 10/2010** Appeal was filed by the some aggrieved persons before the Ld. appellate tribunal Madhepura.

**10-7-2010** Appeal was heard and upholding the selection done

by the Mukhiya of the Gram Panchayat in question and directed for cancellation of the appointment done by the selection committee constituted by the B.D.O. Kumarkhand.

(Annexure – 11 of the writ petition)

**21-7-2010** Resp. No. 10. i.e. Panchayat Secretary and Resp. No. 11 had issued a consequential order whereby and whereunder the appointment of the petitioner (Annexure – 12 of the writ petition) as a Panchayat Teacher has been cancelled.

**16-11-2010** Petitioner appellant filed Writ Application vide CWJC No. 13904/2010 on 16-11-2010 before this Hon'ble Court.

**24-7-2014** CWJC No. 13904/2010 preferred by this petitioner appellant before this Hon'ble Court and the same has been heard and dismissed by Hon'ble single judge of this Hon'ble Court.

Hence this Memo of appeal.

**In the High Court of Judicature at Patna**

**(Letters Patent Appellate Jurisdiction)**

**LPA No. – of 2014**

**(Arising out of order dated 24.7.2014 passed in CWJC No.  
13904/2010)**

**In the matter of memorandum of  
appeal under clause 10 of the letters  
patent act of the Patna High Court  
rules**

**AND**

**In the matter of**

**Namita Kumari D/O Sri Ramchandra Prasad Singh, W/O Sri  
Kumar Snehdeep resident of village – Bela, P.S. – Murliganj,  
Distt. - Madhepura.**

**– Petitioner --- Appellant**

**Vs**

**1. The State of Bihar**



2. The Commissioner cum Secretary, Human Resources Department, Patna.
3. Members District Teachers Employment Appellate Authority, Madhepura, District - Madhepura.
4. The District Magistrate, Madhepura.
5. The District Education Officer, Madhepura.
6. The District Superintendent of Education Officer, Madhepura.
7. The Sub Divisional Education Officer, Madhepura.
8. The Block Extension Education Officer, Kumarkhand Block, Kumarkhand, District - Madhepura.
9. The Block Development Officer, Kumarkhand, District - Madhepura.
10. Rahta Gram Panchayat through Panchayat Secretary, Rahta P.S., Kumarkhand, District - Madhepura.
11. Mukhiya Rahta Gram Panchayat, Rahta, P.S., Kumarkhand, District - Madhepura.

12. **Deepak Kumar S/O Sri Mahavir Mandal** resident of mohalla Murliganj near at cinema hall, P.S., Kumarkhand, District - Madhepura.
13. **Navin Kumar S/O Sri Yugal Prasad Yadav**, resident of village Rahta, P.S., Kumarkhand, District - Madhepura.
14. **Ranjana Anand W/O Sri Jai Prakash Chaudhary** resident of village – Rahta ward no 8, P.S., Kumarkhand, District - Madhepura.
15. **Bharti Kumari W/O Sri Dillep Kumar Chaudhary**, resident of village – Rahta ward no. 8, P.S., Kumarkhand, District - Madhepura.
16. **Amit Kumar S/O Late Haldhar Prasad Yadav** resident of village – Rahta, P.S., Kumarkhand, District - Madhepura.
17. **Ravindra Kumar Pandit, S/O Sri Mushru Pandit** resident of village – Rahta, P.S., Kumarkhand, District - Madhepura.
18. **Kumari Sadhna Rani W/O Sri Ajay Kumar Yadav**, resident of mohalla Murliganj (Near at west of power house), P.S.- Murliganj, District - Madhepura.

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19. **Madhu Kumari W/O Sri Viveka Yadav C/O Sri Rishi Deo Yadav, retired teacher resident of mohalla Kashipur ward no. 2, P.S.- Murliganj, District- Saharsa.**
20. **Amita Kumari W/O Sri Chandan Kumar Das, resident of village – Rahta, ward no. 12, P.S.- Kumarkhand, District - Madhepura.**
21. **Namita Kumari W/O Sri Binod Kumar Verma, resident of village – Rampur, P.S.-Murliganj, District - Madhepura.**

– Respondents

To,

The hon'ble Ms. Rekha M. Doshit, the Chief Justice of the High Court of the Judicature at Patna and her companion justices of the said Hon'ble Court.

The humble memorandum of appeal  
on behalf of the petitioner -  
Appellant above named.

**Most respectfully Sheweth:-**

1. That this memo of appeal directed against the order dated 24-7-2014 passed in CWJC No 13904/2010 (Namita Kumari vs The State of Bihar & ors) by the

Learned Single Judge Hon'ble Mr. Justice Chakradhari Sharan Singh whereby and whereunder the appellants writ petition has been dismissed on the ground that the division bench of this Hon'ble Court vide order dated 23-11-2012 passed in LPA No. 869/2011, with the order of the appellant authority is under challenged in the present batch of Writ Applications. In such circumstances, this court at this stage is not required to go into the merits of submission made on behalf of the petitioners.

2. That by way of an interlocutory application bearing I.A. No. 469/2012, the writ petitioner – appellant also prayed for quashing of consequential order vide memo no 1-1 dated 27-7-2010 whereby and whereunder the appointment of the petitioner has been cancelled by the Respondent No. 10 & 11 with immediate effect.
3. That by way of another interlocutory application bearing I.A. No. 7928/2012 was also filed by the writ petitioner – appellant for the modification of the order dated 2-2-2012 before this Hon'ble Court and the same was modified by the order dated 12-2-2013 by this Hon'ble Court by learned single judge Hon'ble Mr. Justice J. N. Singh.

4. That the petitioner-appellant relies upon the facts stated with the Writ Application, interlocutory applications, supplementary affidavit, rejoinder application filed by the petitioner appellant and therefore those are not being reproduced here.
5. That the petitioner-appellant has not preferred any other memo of letters patent appeal earlier against the aforesaid order dated 24-7-2014 pending CWJC No. 13904/2010 (Namita Kumari vs The State of Bihar & ors) before this Hon'ble Court

Being aggrieved by and dissatisfied with the impugned order dated 24-7-2014 passed in CWJC No. 13904/2010 (Namita Kumari vs The State of Bihar & ors) by the Learned Single Judge Hon'ble Mr Justice Chakradhari Sharan Singh, the petitioner appellants -0 begs to prefer this memo of appeal on amongst other following.

### **Grounds**

- (i) For that the learned single judge erred both facts

and law.

- (ii) For that the learned single judge did not appreciate that appellant had higher in marks than the Respondent No. 13 & 19 and she has preferential rights for the selection on the post of Panchayat Teacher in the Rahta Gram Panchayat in question.
- (iii) For that the selection list of selected candidates dated 2-3-2007 made by the panchayat at selection committee of the Rahta Gram Panchayat has been published and there after complaints were made on 9-3-2007 by the aggrieved candidates before the B.D.O. Kumarkhand, Madhepura district, under rule 18 of 2006 rules (Bihar Primary Teacher Service Condition and appointment) rules 2006.
- (iv) For that the B.D.O. Kumarkhand on the basis of allegations received with respect to the said selection process, after holding an enquiry, vide his order dated 23-3-2007, declared the entire selection and appointment made for the said Gram Panchayat in question is illegal. There after a fresh exercise was under taken for selection and on that basis subsequent selection was made and the petitioner has been appointed.
- (v) For that the said order has been passed by the Block Development Officer Kumarkhand in exercise

of power conferred on him at that time under rule 18 of 20063 rules (Bihar Primary Teacher Service Condition and appointment) rule 2006. He was thus exercising statutory Jurisdiction which is now vested with the tribunal.

- (vi) For that the tribunal cannot and could not be interfered with the said order any manner.
- (vii) For that the tribunal had no power to sit in appeal against a final order of Block Development Officer and therefore any order rendered by the tribunal is beyond jurisdiction with no effect.
- (viii) For that the learned single judge did not appreciate that Bihar Panchayat Elementary Teachers (Employment and Service Conditions) rules -2006 rule 18 power of tribunal is vested with jurisdiction instead of Block Development Officer and it was not created as an appellate authority over the decision of the earlier designated authority i.e. Block Development Officer.
- (ix) For that the order of the hon'ble single judge was passed on the so called prayer of or request of the private Respondents them self mere disposed of the Writ Application vide CWJC No. 6904/2007 and CWJC No. 5315/2009 with such liberty would not amount to vesting jurisdiction in a forum which c.

not have jurisdiction at the cost of repetition, it can be fairly and squarely said that the tribunal has not been created as an appellate authority over the decision of the earlier designated authority namely Block Development Officer.

- (x) For that the order contained in annexure -1 of writ petitioner was passed by the then appellate authority on 23-3-2007 at a point of time when there was no tribunal contemplated or in the horizon. Any jurisdiction on the said order of BDO could only have been made at the level of the high court, despite the approaching the high court challenging the order of the BDO the Respondent missed the basic essence of law, that the order of the BDO could not be put under review by knocking at or invoking the jurisdiction of the tribunal at the instance of the observation made by the high court.
- (xi) For that there was no occasion for the learned single judge to create any jurisdiction in the tribunal.
- (xii) For that the single judge did not appreciate that the BDO has passed the order on 23-3-2007, he was competent authority to hear the such disputes, creation of tribunal is a subsequent event which come in to the existence by virtue of notification dated 25-8-2008.



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- (xiii) For that the learned single judge did not appreciate that the tribunal vested with the jurisdiction instead of the Block Development Officer, therefore any order which has been passed by the Block Development Officer fully and finally could not be put through any scrutiny by a forum which had coordinated power vested in it. The tribunal was not an appellate authority over and above the B.D.O. Therefore order of the B.D.O was not amenable to any judicial scrutiny by the teachers employment tribunal.
- (xiv) For that the learned single judge did not appreciate that rule 9 of the 2006 rules inter alia lays down the process of selection of Panchayat Teacher. subrule (v) of rule 9 provides for preparation of selection panel on the basis of average of the percentage of marks obtained in intermediate examination and at two years training or B.L.E.D examination.
- (xv) For that the ld. single judge did not appreciate that the cwjc no. 12413/2013 (Alka Kumari & Ors vs the State of Bihar and others) which was heard and dismissed by an order dated 30.3.2011 on the ground of non-joinder of necessary parties, by Hon'ble single judge of this Hon'ble Court. thereafter against which the same parties have preferred an

LPA before this Hon'ble Court vide LPA No. 869/2011 and the same was also dismissed without any speaking order by the division bench of this Hon'ble Court.

- (xvi) For that the Id. single judge did not appreciate that the fact of the above said case is different from the present case, because the said case has not been heard on merit by this Hon'ble Court, so present case is/are completely different from the aforesaid writ and LPA i.e cwjc no. 12413/2013 order dated 30.3.2011 and LPA i.e. LPA No. 869/2011 on order dated 23.11.2012.
- (xvii) For that the Id. single judge did not appreciate that there is/was no speaking order in LPA vide no 869/2011 dated 23.11.2012 passed by the division bench of this Hon'ble Court.
- (xviii) For that the Id. single judge did not applied his judicial mind in this matter.
- (xix) For that according to rules higher marks and percentage in intermediate examination was the main criteria for selection of Panchayat Teacher panchayat elementary (Bihar Teachers (Employment and Service Cinditions) rules of 2006.
- (xx) For that the impugned order is completely illegal without jurisdiction and violative of provisions under

## AFFIDAVIT

I Namita Kumari aged about 33 years D/O Sri Ramchandra Prasad Singh, W/O Sri Kumar Snehdeep resident of village – Bela, P.S – Murliganj, Distt. - Madhepura.

do here by solemnly affirm and state as follows:-

1. That I am petitioner appellant in the present case and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of this memo of appeal and affidavit have read over and explained to me in hindi which I fully understood the same.
3. That the made in paragraph no's 1, 2 and 5 are true to my knowledge and those statements made in paragraph no's 1, 2 & 3 are derived from the information of records of the case and the rest are by way of submissions of this Hon'ble Court which I believe to be true.

## Certificate

It is certified that the ground set forth in this LPA are good grounds for this memo of appeal.

My instruction is that the matter, out of which this appeal arises, has never come before this Hon'ble Court earlier.

It is further certified that no notice to Attorney General of India or the Advocate General of Bihar, is necessary to be served under the provisions of under XXVII A rule 1 - CPC.

Sd –

(Ratan Kumar)

Advocate for the Petitioner Appellant

AOR No. – 00370

Date – 20-08-2014



Versus

..... Petitioner/s

1. The State Of Bihar
2. The Commissioner Cum Secretary, Human Resource Deptt., Patna.
3. Members District Teacher Employment Appellate Authority, Madhepura, Distt.-Madhepura.
4. District Magistrate, Madhepura.
5. The District Education Officer, Madhepura.
6. The District Superintendent Of Education Office, Madhepura.
7. The Sub Divisional Education Officer, Madhepura.
8. The Block Extension Education Officer, Kumar Khand Block, Kumar Khand, Distt.-Madhepura.
9. The Block Development Officer, Kumar Khand, Distt.-Madhepura.
10. Rahta Gram Panchayat Through Panchayat Secretary, Rahta P.S., Kumar Khand, Distt.-Madhepura.
11. Mukhiya Rahta Gram Panchayat, Rahta, P.S. Kumar Khand, Distt.-Madhepura.
12. Deepak Kumar S/O Sri Manav Prasad R/O M/H Murliganj Near At Cinema Hall, P.S.-Murliganj, Distt.-Murliganj.
13. Navin Kumar S/O Sri Yugal Prasad Yadav R/O Vill. Rahta, P.S.-Kumar Khand, Distt.-Madhepura.
14. Ranjana Anand W/O Sri Jai Prakash Choudhary R/O Vill.-Rahta Ward No.8, P.S.-Kumar Khand, Distt.-Madhepura.
15. Bharti Kumari W/O Sri Dileep Kumar Choudhary R/O Vill.-Rahta Ward No.8, P.S.-Kumar Khand, Distt.-Madhepura.
16. Amit Kumar S/O Late Haldhar Prasad Yadav R/O Vill.-Rahta, P.S.-Kumarkhand, Distt.-Madhepura.
17. Ravindra Kumar Pandit S/O Sri Masharu Pandit R/O Vill.-Rahta, P.S.-Kumarkhand, Distt.-Madhepura.
18. Kumar Ashna Rani W/O Sri Ajay Kumar Yadav R/O M/H Murliganj (Near At West Of Power House) P.S.-Murliganj, Distt.-Madhepura.
19. Madhu Kumar W/O Sri Viveka Yadav C/O Sri Rishi Deo Yadav, Retd. Teacher R/O M/H Kashipur Ward No.2 P.S.-Murliganj, Distt.-Saharsa.
20. Namita Kumari W/O Sri Chandan Kumar Das R/O Vill.-Rahta Ward No.12, P.S.-Kumar Khand, Distt.-Madhepura.
21. Bharti Kumari W/O Sri Binod Kumar Verma R/O Vill.-Rampur, P.S.-Murliganj, Distt.-Madhepura.

..... Respondent/s

with

Civil Writ Jurisdiction Case No.13904 of 2010

1. Namita Kumari W/O Sri Ram Chandra Prasad Singh, W/O Sri Kumar Sneh Deep R/O Vill. Beja, P.S.-Murliganj, Distt.- Madhepura

..... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner Cum Secretary Human Resources Department, Patna
3. Members, District Teacher Employment Appellate Authority Madhepura, Distt.- Madhepura
4. District Magistrate, Madhepura

5. The District Education Officer, Madhepura
6. The District Superintendent Of Education Officer, Madhepura
7. The Sub Divisional Education Officer, Madhepura
8. The Block Extension Education Officer, Kumar Khand Block Kumar Khand, Distt.- Madhepura
9. The Block Development Officer, Kumar Khand, Distt.- Madhepura
10. Rahta Gram Panchayat Through Panchayat Secretary Rahta P.S., Kumar Khand, Distt.- Madhepura
11. Mukhiya, Rahta Gram Panchayat Rahta P.S., Kumar Khand, Distt.- Madhepura

.... .... Respondent/s

**Appearance :**

(In CWJC No.18910 of 2010)

For the Petitioner/s : Mr. Ratan Kumar & Mr. Nand Lal Kr. Singh

For the Respondent Nos. 14 & 16 : Mr. Madhurilata  
(In CWJC No.19035 of 2010)

For the Petitioner/s : Mr. Ratan Kumar

For the Respondent/s : Mr. (AAG-5)

(In CWJC No.13904 of 2010)

For the Petitioner/s : Mr. Ratan Kumar

For the Respondent/s : Mr. (GA-8)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**  
**ORAL ORDER**

13 24-07-2014

1. An order dated 10.7.2010 passed by the District Teacher Appointment Appellate Tribunal, Madhepura is under challenge in the present batch of three writ applications.

2. The facts are common.

3. For appointment against 12 posts of Panchayat Teachers for Gram Panchayat Raj Rahta under Kumarkhand Block of District Madhepura, selection process was undertaken in the year 2006. The petitioners had applied.

Appointments were made on the basis of said selection initiated under Bihar Panchayat Primary Teacher (Appointment and Service Condition) Rules, 2006 (Hereinafter referred to 2006 Rules). As the provision then existed, the Block Development Officer happened to be the Appellate Authority over selection made against the post of Panchayat Teacher by the Teachers Appointment Unit. The Block Development Officer on the basis of certain allegations, received with respect to the said selection process after holding an enquiry, vide his order dated 23.3.2007 declared the entire selection and appointment made for the said Gram Panchayat as illegal. Thereafter, a fresh exercise was undertaken for selection. On the basis of subsequent selection, the petitioners came to be appointed.

4. Aggrieved by the order of the Block Development Officer, some of the persons selected on the basis of earlier selection approached this Court, challenging the order of the Block Development Officer by filing CWJC No. 6904 of 2007 and CWJC No. 5315 of 2009. It appears that in the meanwhile, the District Teacher Appointment



Appellate Tribunal came into existence and appellate power which was earlier conferred upon Block Development Officer came to be conferred upon the District Teacher Appointment Appellate Tribunal by introducing necessary amendment in Rule 18 of the 2006 Rules. The petitioners of the said CWJC No. 6904 of 2007 and CWJC no. 5315 of 2009 withdrew the writ applications in view of creation of the District Teacher Appointment Appellate Tribunal with a liberty to approach the Tribunal vide orders dated 6.8.2009 and 8.4.2009. The candidates selected on the basis of earlier selection thereafter approached the District Teacher Appointment Appellate Authority, Madhepura. The Authority vide impugned order dated 10.7.2010 allowed the appellants to hold earlier selection and appointment made by the Teachers Appointment Unit of the concerned Gram Panchayat as valid.

5. Learned counsel appearing on behalf of the petitioners has submitted that the Block Development Officer while passing order dated 23.3.2007 declaring the earlier selection and appointment process to be illegal was

exercising statutory appellate power. The same appellate power came to be vested subsequently in the Teacher Appointment Appellate Tribunal under Rule 10 of 2006 Rules. He submits that in such circumstances the Tribunal did not have the power to alter the findings of the earlier appellate authority. He further submits that the persons of lower merits have been selected in subsequent selection, ignoring the rights of more meritorious candidates which could not be considered by the appellate authority while passing the impugned order dated 10.7.2010. It has been contended that apart from the order dated 10.7.2010 being beyond jurisdiction, is also not sustainable on the ground that relative merit of the candidates has not been taken into by the Tribunal in its account in correct perspective.

6. He has placed reliance upon an order of this Court reported in 2013(2) PLJR 893 ( Digvijay Kumar Vs. State of Bihar and ors) to contend that appellate Tribunal could not have interfered with the findings of the Block Development Officer recorded in the year 2007 as the Block Development Officer was also exercising appellate power

under the same provisions of 2006 Rules. He has also referred to an order of this Court reported in 2012(2) PLJR 767 ( Prakash Choudhary Vs. State of Bihar and ors) in support of his plea that persons having lower merit should not have been allowed to be appointed, ignoring the claim of the persons having superior merits.

7. Learned counsel appearing on behalf of the respondents, on the other hand, submitted that same order which is impugned in the present batch of writ applications was under challenge before this Court in CWJC No. 12413 of 2010 ( Alka Kumari and ors. Vs. State of Bihar and ors) which was dismissed by an order dated 30.3.2011 on the ground of non-joinder of necessary parties. He has then drawn attention to the order passed by a Division Bench of this Court dated 23.11.2012 in LPA No. 869 of 2011 ( Alka Kumari and ors. vs. State of Bihar and ors.) to contend that while affirming the order of this Court passed by Hon'ble Single Judge dated 30.3.2011 in CWJC No. 12413 of 2010, the Division Bench observed as follows:-

"We have heard the learned advocates.  
Apart from the non-joinder of the necessary parties,

even on merits we agree with the order of the Appellate Authority. No case of interference is made out. Appeal is dismissed in limine."

8. He accordingly, submits that the order of the Appellate authority which is under challenge in the present batch of writ applications has already been affirmed by a Division Bench of this Court and therefore, the impugned order may not be interfered with in the present batch of proceedings.

9. I find substance in the submission made on behalf of the respondents. Evidently, a Division Bench of this Court vide order dated 23.11.2012 expressed clear agreement with the order of the Appellate Authority which is under challenge in the present batch of writ applications. In such circumstance, this Court at this stage is not required to go into the merits of submission made on behalf of the petitioners. These writ applications are dismissed accordingly.

Arum Kumar/-

*sd/-*  
(Chakraborty Sharan Singh, J)

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CERTIFIED TO BE TRUE PHOTO COPY

*sd/-*  
07.12.14

For Joint Registrar (J)

Patna High Court

Authorised U/S 76 Act 1 of 1872

*Heate Pandey*

*A.S.O*

*7/8/2014*

*961214-526*

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*Reeta Pandey*  
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*Reeta Pandey*  
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rule 2006 of the Panchayat Teacher Niyamabali and as such it must be quashed by this Hon'ble Court

(xxi) For that the Hon'ble single judge did not appreciate aforesaid position of law on facts and hence matter requires consideration.

It is, therefore, prayed that your Lordship may graciously be pleased to admit this appeal issue notice call for the records of the case and after hearing the counsels for the parties, be pleased to set aside the impugned order and judgement dated 24-7-2014 passed in cwic no. 13904/2010 by Hon'ble Mr Justice Chakradhari Sharan Singh and be pleased to allow this appeal.

AND/OR

Pass such other order or orders as your Lordship may deem fit and proper on the facts and circumstances of the case,

And for this petitioner-appellant shall ever pray.