

Sushil Kumar Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-12-2012

Appellant : Sushil Kumar

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case No.522 of 2012 Sushil Kumar S/O Sri Gupteshwar Ram R/O Village- Dharmpur, P.O.- Bichhiyawn, P.S.- Sandesh, District- Bhojpur, Bihar .. Petitioner Versus 1. The State Of Bihar 2. The Chief Secretary, Bihar, Patna 3. Principal Secretary, Human Resources Department, Govt. Of Bihar, Patna 4. The Director, Primary Education, Bihar 5. The District Teacher Employment Appellate Authority, Bhojpur, Bihar 6. The District Superintendent Of Education Now District Education Officer, Bhojpur, Bihar 7. The Block Development Officer, Sandesh, Bhojpur, Bihar 8. The Block Education Officer, Sandesh, Bhojpur 9. The Panchayat Secretary, Gram Panchayat Dihra, Sandesh, Bhojpur 10. The Mukhiya, Gram Panchayat Dihra, Sandesh, Bhojpur 11. Jit Narayan Singh S/O Sri Chandra Deo Singh R/O Village- Bichhiyawn, P.O.- Bichhiyawn, P.S.- Sandesh, District Bhojpur (Arrah), Bihar

Respondents ----- 2. 12/01/2012 In this writ application petitioner has challenged the order of the Appellate Authority dated 26.9.2011 by which a direction has been issued to the Panchayat authorities to hold a fresh selection process of 2008 in respect of Dihra Panchayat. In the order, it has been noticed that the entire selection process had already been cancelled by the Authority and hence any appointment subsequent to the same without holding

fresh selection process was 2 illegal. Learned counsel for the petitioner submits that the petitioner had applied earlier and his application was pending. He submits that subsequent to the cancellation of selection process the Appellate Authority had issued some letter for counseling of three candidates, vide Annexure-2 with the supplementary affidavit. Hence, the Panchayat Authorities considered the application of the petitioner also and he was appointed. Once the entire selection process was cancelled by the Appellate Authority, it had no authority to issue orders subsequently for counseling of three candidates. Similarly, after cancellation of the entire selection process, the Panchayat authorities had also no authority to entertain the application of the petitioner for his appointment on the basis of application received in the earlier selection process. Petitioners appointment was also therefore totally void. In the circumstances, this Court does not find any error in the impugned order of the Appellate Authority by 3 which directions have been issued for holding fresh selection process. However, it goes without saying that if the petitioner has actually rendered service in the concerned School, he shall be paid his salary for the period he has actually worked. It shall also be open to him to participate in the fresh selection process. This writ application is disposed of with the aforesaid observations and directions. Pradeep/ (J.

N. Singh,J.)

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