

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6727 of 2009

Priyanka Kumari,
Versus
The State Of Bihar & Ors

08. 30.09.2011

Heard learned counsel for the petitioner and

the State.

Petitioner's prayer is for quashing of order, dated 29.01.2008, contained in letter no. 79, issued under the signature of Block Development Officer, Runnisaidpur Block, Sitmarhi, whereby petitioner's appointment as Panchayat Teacher has been cancelled.

The facts as revealed in the Writ Application and the counter affidavit, filed on behalf of Block Development Officer and the District Superintendent of Education, Sitmarhi are that advertisement was published for appointment of Panchayat Teachers in Moreshand Gram Panchayat. Provisional merit list was prepared. Objections were invited and finally, a merit list was published on 17.11.2006.

Petitioner's case is that she was duly appointed vide letter no. 44, dated 02.03.2007 and joined as Panchayat Teacher at Primary School, Govindpur. Subsequently, the Block Education Extension Officer issued letter no. 813, dated 04.04.2007, whereby she was sent for training. Without any rhyme or reason or any show-cause-notice to the

petitioner, a letter dated 29.01.2008 was issued by the Block Development Officer, Runnisaidpur terminating her from the post of Panchayat Teacher.

The Counter affidavit filed on behalf of Respondent Nos. 2 and 3 indicates that petitioner's name was not there in the merit list. Her name was subsequently included in the merit list by making interpolations and complaint in this regard was filed by one of the applicants Sunita Kumari before the District Superintendent of Education, Sitamarhi, who directed the Block Education Extension Officer to conduct an enquiry and file a report before the Block Development Officer. The Block Development Officer considering the report regarding forgery and interpolations committed by some of the interested persons in the merit list, has cancelled the appointment of petitioner.

Petitioner on the other hand submits that her name was left to be included in the panel. She has filed her objection, which was considered and later on her name was included in the panel.

The statements made in the pleadings of the parties indicate that this matter requires a proper enquiry. Several documents, required to be verified. All these things can not be done by a Writ Court. This matter is, as such, remanded to the District Teacher's Employment Tribunal, Sitamahri. The Appellate Tribunal

will issue notice to the petitioner, the Mukhiya, Panchayat Secretary and the Block Education Extension Officer as well as District Superintendent of Education, for their appearance on the date fixed for this purpose. All relevant documents will be called and will be considered by the Tribunal. Considering entire facts and the connected records, the final order will be passed by the Tribunal in the matters of cancellation of petitioner's appointment. In case it is found that there is no interpolation or illegality, the impugned order passed by the Block Development Officer will be dealt with by the Tribunal in accordance with law. The Tribunal will decide the matter within three months from the date of production / communication of this Order.

SKM

(Mridula Mishra, J.)