

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14672 of 2013

Rekha Kumari W/O Vinod Prasad Resident Of Village- Shivdhar Hata, P.O- Kailgarh, P.S- Barharia, District-Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Collector, Siwan.
3. The District Superintendent of Education, Siwan.
4. The District Teachers' Employment Appellate Authority, Siwan.
5. The Block Education Officer, Barharia, Siwan.
6. The Mukhiya, Gram Panchayat Raj, Kailgarh Uttar, Siwan.
7. The Secretary, Gram Panchayat Raj, Kailgarh Uttar, Siwan.
8. Ranju Devi W/O Dharendra Kumar Resident of Village- Shivdhar Hata, P.O And P.S- Kailgarh, District-Siwan.
9. Nand Kishore S/O Gorakh Raut Resident of Village- Mushehari, P.O- Kailgarh, Uttar, P.S- Barharia, District- Siwan.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 16929 of 2013

Mritunjay Singh Son Of Late Sarvjeet Singh Resident Of Village- Sheikhpura, Parwan, Block And Police Station- Barharia, District- Siwan, At Present Village- Kailtola Yogapur, Post Kailgarh, Block And Police Station- Barharia, District- Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Siwan
3. The District Education Officer, Siwan
4. The District Programme Officer (Establishment), Siwan
5. Block Education Officer, Barharia, District- Siwan
6. Mukhia, Gram Panchayat, Kailgarh North, District- Siwan
7. The Panchayat Secretary, Gram Panchayat, Kailgarh North, District- Siwan
8. The Member, District Teacher'S Appellate Authority, Siwan
9. Nand Kishore @ Nand Kishore Raut, Son Of Gorakh Raut Resident of Village- Musherhi, Po Kailgarh North, Police Station- Barharia, District- Siwan.

.... Respondent/s

Appearance :

(In CWJC No. 14672 of 2013)

For the Petitioner/s : M/S. RADHA KRISHNA SINGH & Gajendra Kr.Singh
For the Respondent/s : Mr. Amresh,AC to SC11
(In CWJC No. 16929 of 2013)
For the Petitioner/s : Mr. RAGHAV PRASAD
For the Respondent/s : Mr. Y. P. Sinha AAG15 & Shankar Kr.AC to AAG15
For respondent no.9 : M/S Nikil Kr. Agrawal & Prashant Kumar

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-01-2015

In view of the decision, rendered in Chhotelal Chaudhary Vs. State of Bihar[2014(3)P.L.J.R. 606], both the writ applications are allowed. The order of the Appellate Authority dated 30-4-2013 passed in Case No. 256 of 2010, which is subject matter of challenge in both the writ applications at Annexures-7 and 6 respectively, is quashed.

The matter is required to be re-adjudicated by the Appellate Authority after giving an opportunity of hearing to the parties to the dispute.

Before parting, learned counsel for Ranju Devi submits that the certificate on which Rekha Kumari is claiming weightage and advantage is not valid in the eye of law, as decided in Anusha Kumari Vs. The State of Bihar & ors.[2012(4)P.L.J.R.191]. That is a matter which should be looked into by the Appellate Authority at the time of re- adjudication of the matter.

Both the writ applications are allowed in terms of the above.

B.Roy/-

(Ajay Kumar Tripathi, J)

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