

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.836 of 2013

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1. Zeenat Parveen Daughter Of Md. Yakub Resident Of Village - Rajpur, Post -
Chauhatta, P.S. - Kisanpur, District - Supaul

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. Of Bihar, Patna
3. The District Magistrate, Supaul
4. The District Teachers Appointment Appellate Authority, Supaul
5. The District Programme Officer (Establishment), Supaul
6. The Block Development Officer, Pipra, Supaul
7. The Block Education Officer, Pipra, Supaul
8. The Mukhiya, Gram Panchayat, Pathra South, Pipra Block, Supaul
9. The Panchayat Secretary, Gram Panchayat, Pathra South, Pipra Block, Supaul
10. Zaheeda Khatoon Daughter Of Md. Ibrahim Resident Of Baratol, Post -
Kahriya, P.S. - Supaul, District - Supaul, Ward No.1

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha
For The Respondent/S : Mr. Rajendra Narain, Sr. Advocate
Mr Prashant Pratap, GP 6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-08-2015

Every quasi judicial authority has a duty to be impartial
and dispassionate in performance of their solemn duty.

If the petitioner had raised certain objections and filed
petition having doubts about the dispassion of the said member in
adjudicating the matter, the least which the authority should have
done was to transfer the matter to yet another member for
adjudication.

A notice was duly issued upon the said Member but he has
not cared to appear and answer the allegations made.

Justice should not only be done but also appear to be done.

Keeping the said principle in mind, the impugned order dated 27.2.2012 passed in Case No.53 of 2011 passed by the Member, District Teachers Employment Appellate Authority, Supaul is hereby set aside. Matter is remanded back to the Tribunal for fresh consideration. It is made clear that if the previous member is still occupying the post then he is precluded from hearing and deciding the matter afresh.

Since it is an old dispute and since parties are present even before this Court, they are directed to appear with a copy of this order, render assistance for early adjudication and the matter must be decided within a period of three months thereof. It is also made clear that no part of the order contained in Annexure- 9 should be relied upon in the fresh adjudication to be made by the Tribunal. It has to be a kind of de novo and fresh hearing of the matter.

Writ is allowed in terms of the above.

(Ajay Kumar Tripathi, J)

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