

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11881 of 2015

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1. Dr. Shambhu Nath Singh Son of Late Bhola Singh, Resident of Mohalla - Srikrishnanagar, Police Station - Sadar Motihari, District - East Champaran.
 2. Arun Kumar, Son of Late Ravindra Nath Singh, resident of Mohalla Rajendranagar, Police Station - Chatauni, District - East Champaran.
 3. Shardanandan Prasad Singh Sarang, Son of Late Sukhdeo Singh, resident of village - Mohammedpur Muksudan, Police Station - Sahebganj, District - Muzaffarpur.
 4. Subhash Chandra, Son of Late Shyam Chandra Prasad, resident of mohalla Hospial Chowk, Police Station Sadar Motihari, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. The Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Managing Committee, Maharaja Harendra Kishore College, Motihari, East Champaran.
4. The Principal, Maharaja Harendra Kishore College, Motihari, East Champaran.
5. The Member, District Teacher Appointment Appellate Tribunal, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Mr. Vikas Kumar, AC to AG

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 11-12-2015 Heard learned counsel for the petitioners as well as
learned counsel for the State.

The petitioners are aggrieved by order dated 1.7.2015,
passed in Case no. 910/14, 911/14, 913/14 and 914 /14, passed
by the District Appellate Authority, East Champaran, Motihari,
whereby he expressed lack of jurisdiction to hear the appeal

against cause of action which took place prior to coming into effect, 2013 Rules.

Petitioners were appointed as Lecturers in Maharaj Harendra Kishore College, Motihari, which was a collage approved by the Bihar Intermediate Education Council. Petitioners were removed from their post. Being aggrieved, they filed appeals before the Appellate Authority in terms of Section 13 of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2013. The rules empowered the Appellate Authority to dispose of the complaint/appeal related to employment and service conditions of Niyojit Teachers, Librarians and other Niyojit employees on a fixed pay in elementary, secondary and higher secondary schools, including the Government aided minority schools. The Appellate Tribunal rejected the appeals as not maintainable on the ground that the disputes were of the period prior to enforcement of 2013 Rules.

In my opinion, the view taken by the Appellate Authority is erroneous. The Rules, 2013, which came into effect in no way bar the jurisdiction of Appellate Authority to hear dispute prior to it. If such view would be taken, the same would lead to anomalous situation as the appellate Authority would have no work for quite sometime Rules, 2013 was replaced by Bihar

State School Teacher and Employees Complaint Redressal Rules, 2015. Again under Rules, 2015, the District Appellate Authority has been authorized to adjudicate the issues pertaining to aided secondary and higher secondary inter college affiliated to the University recognized by Bihar School Examination Board in respect of the service conditions of teaching and non-teaching employees including appointment, promotion, disciplinary matters, etc. In this view of the matter, the Appellate Authority erred in holding that he is not the authorized to hear appeals arising from cause of action acquired prior to 20.12.2013. In the circumstances, order passed by the District Appellate Tribunal is set aside and the matter is remitted for adjudications on merit.

Shashi.

(Samarendra Pratap Singh, J)

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