

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14576 of 2016

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1. Md. Azad, Son of Md. Hussain, resident of Village- Mirzapur, PO- Tara Bariarpur, P.S.- Khodawandpur, Distt- Begusarai.
 2. Md. Nazibur Rahaman, son of Late Abdul Zabbar, resident of Village- Mirzapur, P.S.- Khodawandpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
2. The District Education Employment Appellate Authority, Begusarai..
3. The District Magistrate, Begusarai..
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The District Education Officer, Begusarai.
6. The Block Development Officer, Khodawandpur, District- Begusarai.
7. The Block Education Officer, Khodawandpur, District- Begusarai.
8. The Panchayat Secretary, Gram Panchayat Raj, Bara, Block- Khodawandpur, District- Begusarai.
9. The Mukhiya, Gram Panchayat Raj, Bara, P.S.- Khodawandpur, District- Begusarai.
10. Md. Kitabuddin, son of Fakir Mohmad, resident of Village- Sirsi, P.S.- Khodawandpur, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Mahasweta Chatterjee, Advocate

For the Respondent/s : Mr. Jitendra Kr. Roy No. 1, SC-13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 08-12-2016

Heard Ms. Mahasweta Chatterjee, learned counsel
appearing for the petitioners and learned counsel for the State.

The petitioners had questioned the order dated 17.8.2016
of the District Appellate Authority, Begusarai (hereinafter referred to
as the 'Appellate Authority') passed in Case No.12 of 2013, whereby
the appeal of respondent no.10 was allowed.

It is during the pendency of the writ petition that the State
Appellate Authority has been constituted under the *Bihar State*
Vidyalaya Shikshak and Karmchari Nivaran Niyamawali, 2015 and



which provides for an appeal before the State Appellate Authority against an order passed by the 'Appellate Authority' under the Service Rules which inter alia, according to the petitioner, also would include Bihar Elementary Panchayat Teachers (Appointment and Service Condition) Rules, 2006.

Ms. Chatterjee learned counsel appearing for the petitioners in the circumstances and in view of the constitution of the State Appellate Authority prays for disposal of the writ petition to enable the petitioners to exhaust the appellate remedy so available to the petitioners under the State Appellate Authority (Procedure for fee and Practice) Guidelines, 2016 but prays for protection on the issue of limitation.

The writ petition is disposed of accordingly.

It goes without saying that since the matter was pending consideration before this Court, should the petitioners file any such appeal accompanied with a petition for condonation of delay within a period of four weeks from today, the same be considered and disposed of by the State Appellate Authority in accordance with law after opportunity of hearing to the petitioners.

(Jyoti Saran, J)

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