

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.273 of 2016
IN
Civil Writ Jurisdiction Case No. 14865 of 2011**

- =====
1. Md. Arif son of Late Md. Maniruddin, Resident of Village- Adharpur, Police Station- Tajpur, District- Samastipur.
 2. Mosarat Praveen daughter of Md. Monojir Hussain, Resident of Village- Adharpur, Block and Police Station- Tajpur, District- Samastipur

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Bihar, Patna.
3. The Regional Deputy Director of Education, Darbhanga.
4. The District Magistrate, Samastipur.
5. The District Superintendent of Education, Samastipur.
6. The Block Development Officer, Tajpur, Samastipur.
7. The Block Education Extension Officer, Tajpur, Samastipur.
8. The Headmaster, Primary School, Minachak, Block- Tajpur, District- Samastipur.

.... Respondent/s

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Appearance :

For the Appellant/s : Md. Abdul Mannan Khan
Md. Harun Quareshi, Advocates
For the Respondent/s : Mr. Sunil Kumar, GP 22

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 22-12-2016

The present Letters Patent Appeal is directed against the order of the learned Single Judge dated 21st August, 2015 whereby the writ application filed by the appellant was held to be not maintainable in view of the alternative remedy of appeal before the District Teachers Employment Appellate Authority in terms of Rule 18 of the



Bihar Panchayat Primary Teachers (Employment & Service Conditions) Rules, 2006.

We do not find any error in the order passed by the learned Single Judge. The services of the appellants were terminated on 7.3.2011. The argument is that the order of termination was passed by the wholly incompetent authority. Such fact can also be asserted before the appellate authority as also any other plea which may the appellants consider. In view of the fact that Rules provide for adjudication of the question of termination by the appellate authority, therefore, the learned Single bench correctly directed the appellants to avail the statutory remedy of appeal.

The Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

Anil/-

(Dinesh Kumar Singh, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

