

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.740 of 2015

In

Civil Writ Jurisdiction Case No. 20683 of 2012

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Veer Prakash Prasad, son of Shri Janaki Prasad, resident of Village - Main Road Mairwa, P.O.- Mairwa, Police Station - Mairwa, District - Siwan.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Deputy Development Commissioner - cum - Chairman, District Education Establishment Committee, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment), Siwan.
7. The Prakhanda Pramukh Mairwa Prakhanda, District - Siwan.
8. The Block Development Officer, Mairwa Block, District - Siwan.
9. The Block Education Officer, Mairwa, District Siwan.
10. The Member, District Teacher's Employment Appellate Authority, Siwan.
11. Savita Vishwakarma, wife of Shri Govind Vishwakarma, resident of Village Anjoria, P.O.- Bhatparrani, Police Station - Bhatparrani, District - Deoria (Uttar Pradesh), at present resident of Village Loharpatti, P.O. & Police Station - Mairwa, District Saran, at present posted and working as Prakhanda Teacher in Govt. Middle School Bargaon, Anchal - Mairwa, District - Siwan.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Md. Arshad, AC to S.C. 1.

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

9 24-11-2016

I.A.No.3091 of 2015

The interlocutory application has been filed for condoning the delay of 94 days in filing the appeal.

On a consideration of the facts and circumstances mentioned in the application and upon hearing learned counsels for the appellant and for the State, the delay in filing the appeal is condoned.

I.A.No.3091 of 2015 is, accordingly, disposed of.



The appeal is directed against the order dated 25.10.2013 passed by a learned Single Judge of this Court in CWJC No. 20683 of 2012 by which the writ petition filed by the petitioner has been dismissed as wholly misconceived.

Learned counsel for the appellant submits that the said order has wrongly recorded that the complaint by the Block Education Officer on the subject matter has been answered in favour of respondent No.11 by the District Teacher's Employment Appellate Authority, whereas the said Appeal No.117 of 2011 is still pending for which he had received notice dated 4.8.2012 fixing the date 31.8.2012 and he had also appeared in the matter but the said appeal is not being disposed of.

In the aforesaid circumstances, the appeal is disposed of with the direction that in case Appeal No. 117 of 2011 has not yet been disposed of by the District Teacher's Employment Appellate Authority, Siwan then the same should be disposed of within a period of three months from the date of receipt/production of a copy of this order after hearing all the affected parties.

It is made clear that the Appellate Authority shall decide the matter on the facts of the case and without being prejudiced by the order dated 25.10.2013 of this Court passed in the writ application.

(Ramesh Kumar Datta, J)

(Birendra Kumar, J)

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