

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1304 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 14879 of 2013**

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Asha Kumari Wife of Sri Rajendra Prasad Tiwari Resident of Village - Kulharia,
P.S. - Parwatta, District - Khagaria, and at present Block Development Officer,
Chewara, Block - Chewara, District - Sheikhpura.

.... Appellant/s

Versus

1. The State of Bihar.
2. The District Education Officer, Sheikhpura.
3. The District Programme Officer, Sheikhpura.
4. The Block Education Extension Officer, Chewara, District - Sheikhpura.
5. The Panchayat Secretary, Sataya Panchayat, Akrama, P.S. - Chewara, District-
Sheikhpura.
6. Sri Pinku Kumar Mukhiya, Satay Panchayat, Akram, P.S. - Chewara, District-
Sheikhpura.
7. Ram Sumer Yadav Son of Keshav Yadav Resident of Village - Akrama, P.S. -
Chewara, District- Sheikhpura, At present posted as Assistant Headmaster at Upper
Middle School, Akrama, P.S. - Chewara, District - Sheikhpura.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suraj Naraian Yadav, Advocate.
Mr. Ranjit Kumar Yadav, Advocate.
Ms. Annu Shree, Advocate.

For the Respondent/s : Mr. Siddhartha Prasad, AC to AAG-4

For the Rsp. No. 7 : Mr. Md. Fazal Rahman, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 18-07-2016

The challenge in the present Letters Patent Appeal is to the
finding record at para -9 of the impugned order whereby State Government
was directed to initiate a proceeding for imposing major penalty against the
appellant, who has passed the order, Annexure-9.

Learned counsel for the appellant vehemently argued that the

appellant has jurisdiction over the Block Teachers whereas, she had exercised the power of appellate authority, which was due to inadvertent mistake and not intentional, which may warrant initiation of departmental proceeding against the appellant.

We have heard learned counsel for the parties and find that whether the appellant has the jurisdiction over the Block Teachers or not or the role of the appellant in entertaining the appeal is the subject matter which falls exclusively within the domain of the State Government as the employer.

Therefore, we dispose of the present Letters Patent Appeal with observation that the State Government will examine the role of the appellant in entertaining the appeal in a disciplinary proceeding, without being influenced by the finding recorded by the learned Single Judge.

With the said observation, the Letters Patent Appeal is disposed of.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
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