

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25616 of 2013

=====

Deepak Kumar Singh S/O Suresh Prasad Singh Resident Of Village+ Post-
Ekawana, P.S- Barhara, District- Bhojpur (Ara)

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna.
2. The District Magistrate, Bhojpur, (Ara)
3. The District Programme Officer, (Establishment), Bhojpur At Ara.
4. The Block Development Officer, Koelwar, Bhojpur At Ara.
5. The Block Education Officer, Koelwar, Bhojpur At Ara.
6. Sri Anil Singh, Ex- Mukhiya, Gram Panchayat Raj Gidha, Koelwar, Bhojpur At Ara.
7. The Panchayat Secretary Gram Panchayat Raj Gidha, Koelwar, Bhojpur At Ara.
8. The District Teacher Employment Appellate Authority, Bhojpur At Ara.
9. Mantu Kumar Singh S/O Bhupendra Singh Resident Of Village- Gidha, P.S- Koelwar, District- Bhojpur At Ara, At Present Posted As Panchayat Teacher At Primary School Songhatta, P.S- Koelwar, District- Bhojpur At Ara.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv.
Mr. Dudhnath Singh, Adv.

For the Respondent/s : Mr. Satya Prakash, AC to SC-22

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-12-2016

In the present case, on the first look of the order, it gives the only view of travesty of justice. The appellate authority, who is supposed to apply his judicial mind which is working as a quasi judicial body, has recorded his order in the left side of the application. When a person is discharging a quasi judicial function, he is required to open the file and after giving proper consideration, the case has to be decided not in the manner like an administrative officer who passes



an order. The duty of the executive officer is quite different than to the duty of the quasi judicial body and it should appear from his order that he has applied his mind and has taken decision in accordance with law but the order does not satisfy the test of judicious decision. Thus, the order recorded in the left side of the application dated 5.5.2013 itself shows that illegality has been committed by the authority concerned and, such type of officer who does not know how to exercise quasi judicial function should not be allowed to occupy the post of quasi judicial authority.

In that view of the matter, let the order dated 5.5.2013 recorded in the application of the petitioner is quashed. The matter is remitted back with a direction that the authority concerned, while deciding the case, will give liberty to the petitioner to place all his grievances and, after hearing both the parties, will decide the case on merit.

With the aforementioned observation and direction, this application is allowed.

Rishi/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2017
Transmission Date	

