

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8493 of 2011

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1. Ramakant Prasad Late Prabhu Singh Resident Of Village/Po- Naro Murar, Via- Warsaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda, Biharsharif.
3. District Education, Superintendent, At/P.O/P.S/Town- Biharsharif.
4. Prakhand Education Officer, P.O/P.S- Parbalpur, Nalanda, (Biharsharif)
- Null Null
5. Pramukha, Parbalpur, P.O/P.S-Parbalpur, Block/ District- Nalanda.
6. Zila Shikshak Niyojan Athealiya Pradhikar, Nalanda, At/P.O/ Town- Biharsharif, Nalanda.
7. Sanjay Kumar Late Hari Narayan Singh Resident Of Village/P.O- Naro Murar, Nawada, At Present Physical Teacher, Sakar, Dih, Madhya Vidyalaya, At/P.O-Sakar, Dih, Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Kumar Sinha

For the Respondent/s : Mr. S.A. Alam Sc3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

13 15-12-2016 Heard learned counsels for the petitioner and respondent-State, however, none appears on behalf of respondent no. 9.

The present writ application has been filed for direction to the respondent authorities to appoint the petitioner on the post of Physical Training teacher having higher marks than respondent no.7. Though, such relief was granted by the District Teachers Appointment Appellate Tribunal, Nalanda vide order dated 01.12.2010 passed in Case No. 148 of 2010.



It is submitted by the learned counsel for the petitioner that that prayer made in paragraph no.1 of the writ application has not been correctly formed. Now the petitioner has filed I.A. No. 9389 for amendment of the prayer to the extent that the order of the District Teachers Appointment Appellate Tribunal, Nalanda dated 01.12.2010 as contained in Annexure-1 be implemented and further the District Education Officer and District Programme Officer, Nalanda be impleaded as party respondent, further the order dated 24.12.2010 as contained in Annexure-8 passed by District Teachers Appointment Appellate Tribunal, Nalanda be quashed whereby the order dated 01.12.2010 as contained in Annexure-4 has been amended without giving notice or opportunity of hearing to the petitioner.

In view of the above submissions, I.A. No. 9389 of 2016 is allowed.

Learned counsel for petitioner is permitted to amend paragraph no.1 and the prayer portion of the main application and implead the District Education Officer and District Programme Officer, Nalanda as party respondent.

The amended prayer will be the part of the main writ application.

Since the matter relates to appointment of Panchayat



teacher and this Court has been informed that the Bihar State Teachers Appellate Authority has started functioning, this writ application is disposed of with a liberty to the petitioner to file appeal before the State Teachers Appellate Authority within four weeks.

In view of the fact that the petitioner is pursuing the remedy before this Court as this writ application is pending since 2011 and counsels for all parties agree not to raise the issue of limitation before the State Appellate Authority, it is expected from the State Appellate Authority to decide the appeal expeditiously on merit in accordance with law without allowing the parties to raise the issue of limitation provided the appeal is filed within a period of four weeks from the date of receipt/production of the copy of this order.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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