

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4502 of 2013

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Rinku Kumar Choudhary Son of Ramrup Choudhary, resident of village -
Phuldobhi, P.S. - Falka, District – Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Bihar, Patna
3. The District Education Officer, Katihar
4. The District Programme Officer (Establishment), Katihar
5. The Block Development Officer, Falka, District - Katihar
6. The Block Education Officer, Falka, District - Katihar
7. The Member, District Teacher Employment Appellate Authority, Katihar
8. The Mukhiya, Gram Panchayat Raj Madheli, Falka, District - Katihar
9. The Panchayat Secretary, Gram Panchayat Raj Madheli, Falka, District - Katihar
10. Mahesh Kumar Das Son of Musai Ravi Das, resident of village -Jhikliya, P.O. –
Laxmipur, P.S. - Falka, District – Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Mukesh Kumar Jha and Bhola Prasad, Adv.
For the State : Mr. Narendra Kumar, AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-07-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

No one appears on behalf of Respondent no. 10, though
the Vakalatnama has been filed by one Dinesh Prasad Verma, vide
A.O.R. No. 00318.

Having no way out, this Court is disposing of the matter
on its merit. The appeal of the petitioner has been rejected only on the
ground of non-prosecution, by the District Teachers Appellate
Tribunal, vide order dated 24.09.2012.

The counsel for the petitioner submits that as the petitioner was ailing during that period, on that account, he could not take proper step before the Appellate Tribunal.

As no one is present from the side of Respondent no. 10 disputing the claim of the petitioner, in such view of the matter, the order dated 24.09.2012 is set aside and the matter is remanded back to the Appellate Tribunal who after giving proper notice and hearing the parties, will dispose of the matter in accordance with law within a period of six months from the date of receipt/production of a copy of this order.

Accordingly, this petition is allowed.

This order has been passed in presence of the counsel for the State.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.07.2016
Transmission Date	