

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16250 of 2012

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The Mukhiya cum Chairman, Panchayat Niyojan Samittee, Gram Panchayat Talimpur, Block Madhuban, District East Champaran through Uma Shankar Ram, R/O Talimpur P.S. Madhuban Distt - East Champaran

.... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The District Magistrate, East Champaran, Motihari
4. The Block Development Officer, Block Madhuban, East Champaran
5. The Panchayat Secretary, Gram Panchayat Talimpur, Block Madhuban, East Champaran
6. The Headmaster, Government Primary School, Talimpur, Madhuban, East Champaran
7. Madhuri, Wife of Raman Kumar Singh, D/O Lallan Prasad Singh, resident of village - Talimpur, P.S. Madhuban, District - East Champaran, Motihari

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashutosh Kr. Jha,
Mr. Sanjay Kr. Tiwari
Mr. Arbind Kumar Singh, Advocates
For the Respondents : Mr. Nawal Kishore Singh, AC to GP 26
For Respondent No.7 : Mr. Rajeev Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-12-2016

A prayer is made on behalf of the petitioner for further adjournment for making alternative arrangement in view of Mr. Raghwanand, learned counsel who had earlier filed Vakalatnama in this case, having been engaged as Law Officer of the State.

2. Learned counsel for the respondents vehemently opposes the prayer for adjournment.

3. Learned counsel for the private respondent no. 7 refers to I. A. No. 7717 of 2015 filed on 14.09.2015 wherein it has been



stated that the petitioner has died on 29.10.2014 itself and it is therefore submitted that the writ petition is not maintainable. A further preliminary objection is raised on the maintainability of the writ petition at the instance of the Mukhiya-cum-Chairman, Panchayat Niyojan Samittee, Gram Panchayat challenging the order dated 7th of October, 2010 passed by the District Teachers' Employment Appellate Authority, East Chamaran at Motihari. The said issue is squarely covered by a judgment of the Division Bench of this Court in *Sangeeta Kumari Yadav Vs. The State of Bihar & Ors. : 2015(3) PLJR 503*.

4. It appears from the record that the facts stated in I.A. No. 7717 of 2015 have not been denied as no affidavit has been filed on behalf of the petitioner controverting such averments. The petitioner was granted sufficient opportunity to make alternative arrangement for representation of the case in pursuance of order dated 25.10.2016 but no action appears to have been taken in that behalf.

5. In the above view of the matter, considering that the petitioner has died on 29.10.2014 and no petition for substitution of his legal heirs has been filed even after more than two years of his death, the present writ petition at the instance of the petitioner cannot be maintained. Moreover, having regard to the decision in *Sangeeta Kumari Yadav (supra)* categorically holding that the Mukhiya has no *locus standi* to challenge an order of the District Teachers'



Employment Appellate Authority, it must be held that the present writ petition is not maintainable on this score as well.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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