

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1068 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 5350 of 2011

Along with

Interlocutory Application No.4436 of 2015

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Sanjivani Kumari, W/o Sri Shyam Sunder Thakur, Resident of Village- Sulsabad,
Police Station Mehshi, District East Champaran.

.... Writ Petitioner- Appellant

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Superintendent of Education, East Champaran.
5. District Panchayati Raj Officer, East Champaran.
6. Block Development Officer, Mehshi Block, East Champaran.
7. The Block Education Extension Officer, Mehshi Block, East Champaran.
8. The Panchayat Secretary, Gram Panchayat Raj Harpurnag, Mehshi Block, East Champaran.
9. Mukhiya, Gram Panchayat Raj Harpurnag, Mehshi Block, East Champaran.
10. Headmaster, Govt. Primary School, Sulsabad, Mehshi Block, East Champaran.

.... Respondents- Respondent/s

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Appearance :

For the Appellant : Mr. Sanjeev Kumar Singh, Advocate

For the Respondents-State : Mr. Krishna Kumar Singh, A.C. to G.P.-22

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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: 21-09-2016

Re.: Interlocutory Application No.4436 of 2015

The application is for condonation of delay of 36 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1068 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 20th of February, 2014 whereby the decision taken by the Block Development Officer was set aside and the matter was remanded to the District Teachers Appointment Appellate Authority (for short, 'the Appellate Authority') in terms of the amendment carried in the Bihar Panchayat Elementary Teachers (Appointment and Service Conditions) Rules, 2006 on 25th of August, 2008.

In the present Letters Patent Appeal, the appellant claims wages for the period her services were terminated and till such time she was reinstated. In terms of the directions issued by the Learned Single Judge, the Appellate Authority is bound to decide the question of the appointment of the appellant as also of Rajni Kumari. Therefore, the Appellate Authority will also decide as to whether the appellant is

entitled to any wages for the interregnum period in accordance with law.

In view of the said fact, the Letters Patent Appeal is disposed of with liberty aforesaid.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	27.09.2016
Transmission Date	