

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17188 of 2011

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Shambhu Pathak S/O Late Sadhu Pathak Resident of Village-Harpur, P.S.-
Majhauriya, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, State of Bihar, Human Resources Development
Deptt., Bihar, Patna.
3. The District Collector, West Champaran, Bettiah.
4. The Member District Teachers Employment Appellate Authority, West
Champaran.
5. The Addl. Collector, West Champaran, Bettiah.
6. The District Panchayat Raj Officer, West Champaran, Bettiah.
7. The Incharge Officer, District Public Complain Cell, West Champaran,
Bettiah.
8. The District Programme Officer (Establishment), West Champaran,
Bettiah.
9. The District Superintendent Of Education, West Champaran, Bettiah.
10. The Block Development Officer, Majhauriya, West Champaran.
11. The Block Education Officer, Majhauriya, West Champaran.
12. The Gram Panchayat Raj, Harpur Garhwa through its Mukhiya under
Block Majhauriya, West Champaran.
13. The Panchayat Secretary, Gram Panchayat Raj Harpur Garhwa under
Block Majhauriya, West Champaran.
14. Jawed Akhtar, Panchayat Teachers, Gram Panchayat Harpur Garhwa,
Distt. West Champaran. S/O Sk. Ikka Hussain
15. Imtiyaz Ahmad, Panchayat Teachers, Gram Panchayat Harpur Garhwa,
Distt. West Champaran. S/O Adalat Hussain

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Respondent/s : Mr. Rajesh Kr.Verma SC27

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT
Date: 07-12-2016

Heard learned counsel for the petitioner, respondent-State and respondent no.15.

The present writ application has been filed for directing the respondent-State to appoint the petitioner on the post of Panchayat Teacher under Gram Panchayat Raj Harpur Garhawa, Block Majhauriya, West Champaran and to give effect to the order dated 09.12.2010 passed in Case No.472/2010 by the Member of the District Teachers Employment Appellate Authority, West Champaran, as contained in annexure-6 to the writ petition whereby the claim of the petitioner for being appointed as Panchayat Teacher has been found valid.

The respondent no.15 has filed Interlocutory Application No.9370/2016 for quashing of the order dated 09.12.2010 passed by the District Teacher and Employment Appellate Authority, West Champaran and consequential order dated 10.11.2016 whereby the appointment of respondent no.15 on the post of Panchayat Teacher has been cancelled.

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 Appellate Authority within eight 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 both sides agree not to raise the issue of limitation before the Appellate Authority, it is expected from the Appellate Authority to consider the question of limitation accordingly and decide the matter expeditiously on merit in accordance with law.

Accordingly the interlocutory application is also disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.01.2017
Transmission Date	

