

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4724 of 2013

=====

1. Hirdya Nand Prasad S/O Shri Ramendra Nath Prasad Resident Of Village Sirami, P.S. Traiya, District Saran.

.... Petitioner

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna.
2. The Zila Shikshak Niyojan Appiliya Pradhikar (District Teacher Appellate Authority), Saran, Chapra.
3. The Zila Shiksha Padadhikari (District Education Officer), Saran, Chapra.
4. The Zila Karyakaram Padadhikari, Asthapna Shiksha (District Co-Ordinator Officer, District Establishment) Saran, Chapra.
5. The Block Development Officer, Panapur, Saran.
6. The Block Extension Education, Officer, Panapur, Saran.
7. Smt. Savitri Devi, The Then Mukhiya, Gram Panchayat Raj, Basahiya, Panapur, Saran.
8. Shri Baleshwar Singh, The Then Panchayat Sachiva, Gram Panchayat Raj, Basahiya, Saran, Chapra.
9. Smt. Nirma Devi, The Mukhiya, Gram Panchayat Raj, Basahiya, Panapur, Saran.
10. The Panchayat Sachiva, Gram Panchayat Raj, Basahiya, Panapur, Saran.
11. Rajiv Ranjan S/O Shri Harendra Prasad Singh Resident Of Village Basatpur, P.O. Satjora, P.S. Panapur, District Saran.

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 18-01-2016

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

In the present case, the petitioner is challenging the order dated 06.11.2012, whereby and whereunder the Appellate Tribunal has dismissed the appeal filed by the present petitioner on the ground of delay in filing the appeal beyond 30 days without

a valid explanation.

The petitioner has taken a plea before the Tribunal that he could not approach the Tribunal on account of the serious illness of his wife. The ground of rejection of appeal has been mentioned that the appellant has not annexed any document, indicating the illness of the wife.

It appears that the Court below has not considered the case of the petitioner on merits and rejected the same only on the ground of delay, when the petitioner has stated about the illness of his wife then instead of rejecting the case of the petitioner on technical ground, the Tribunal ought to have considered the case on its merits.

Accordingly, the order dated 06.11.2012 passed by the Appellate Tribunal is quashed. The matter is remanded back to the Appellate Tribunal. The Appellate Tribunal is directed to dispose of the matter on merit within a period of nine months from the date of receipt / production of a copy of this order.

With the aforesaid observations and directions this writ petition is allowed.

(Shivaji Pandey, J)

pawan/-

U			
---	--	--	--