

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16411 of 2011

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1. Kailash Prasad S/O Ram Julum Yadav, R/O Village - Itwa Shivnagar, P.S. - Biraul, Distt. - Samastiur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Darbhanga
3. The District Superintendent Of Education, Darbhanga
4. The Block Development Officer, Biraul, Darbhanga
5. The Block Education Extension Officer, Biraul, Darbhanga
6. The Panchayat Sachiv, Gram Panchayat Raj , Saho Block, Biraul, Distt. - Darbhanga
7. The Mukhiya Gram Panchayat Raj, Saho Block, Biraul, Distt. - Darbhanga
8. The District Teachers Appointment Appellate Tribunal, Balbahadurpur, Laheriasarai, Darbhanga
9. Navin Kumar Jha S/O Jiwach Jha R/O Village - Sahri, P.S. - Biraul, Distt. - Darbhanga, At Present Panchayat Teacher At Prathmik Vidyalaya Nav Bhawan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. PRABHAT KUMAR SINGH
For the Respondent/s : M/s. AC to G.P. 6
Mr. Dharendra Nath Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 02-12-2016

Heard learned counsel for the petitioner, A.C. to G.P. 2 for respondent nos. 2 to 5 and learned counsel for respondent no.9.

This court vide order dated 27.3.2012 issued notice to respondent nos. 6,7 and 9. Consequently, Mr. Dharendra Nath Jha, learned counsel appeared on behalf of respondent no. 9. Office note dated 28.6.2016 reflects that the



notices were received by respondent no. 6, however, notices issued to respondent no. 7 was received by his father. A supplementary affidavit has been filed on behalf of the petitioner on 5.7.2016 stating therein that respondent no. 7 is residing jointly with his father. In the circumstances, notices issued to respondent nos. 6 and 7 are deemed to be validly served. More over, Counter affidavit has also been filed on behalf of respondent nos. 3 to 6.

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 a period of four weeks.

In view of the fact that the petitioner was pursuing the remedy before this court as this writ application is pending before this Court since 2011 and both sides agree not to raise the issue of limitation before the Appellate Authority, hence it is expected from the State Appellate Authority to decide the matter expeditiously on merit in accordance with law without allowing the parties to raise the issue of limitation provided the appeal is filed within a period of four weeks.



Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

