

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1532 of 2013
IN
Civil Writ Jurisdiction Case No. 9336 of 2011
With
Interlocutory Application No. 8429 of 2013.

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Pushpa Kumari D/O Sri Ram Ashish Singh R/O At & P.O. - Alampur, P.S. - Sheosagar, District - Rohtas

.... Respondent No. 7 / Appellant

Versus

1. The State of Bihar through the Principal Secretary Cum Commissioner, Human Resources Development Department, Bihar, Patna
2. The Director (Primary Education), Human Resources Development Department, Bihar, Patna
3. The Member, District Teacher Appointment Appellate Authority, Rohtas at Sasaram
4. The Block Development Officer, Sheosagar Block, District - Rohtas at Sasaram
5. The Mukhiya, Gram Panchayat Raj Alampur, Block - Sheosagar, District - Rohtas at Sasaram
6. The Panchayat Secretary, Gram Panchayat Raj Alampur, Block - Sheosagar, District - Rohtas at Sasaram
7. Laxmi Kumari @ Laxmi Devi D/O Sri Krishna Prasad R/O Village + P.O. - Alampur, P.S. - Sheosagar, District - Rohtas

..... Respondents - Respondents

.... Petitioner – Respondent.

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Appearance:

For the Appellant/s : Mr. RAMANUJ TIWARY
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 01-03-2017

Re. I.A. No. 8429 of 2013.

Delay of 24 days is condoned.

I.A. No. 8429 of 2013 is allowed.

Re. L.P.A. No. 1532 of 2013.

The appeal is heard on merits and also dismissed because



of the reason for dismissal of the appeal that there cannot be any appeal before yet another appellate authority in view of the law laid down in the case of **Digvijay Kumar v. State of Bihar**, reported in 2013 (2) PLJR 893.

Since the earlier appellate authority, namely, Block Development Officer had already adjudicated the matter, even if the High Court permitted the present appellant to go before the District Teachers Employment Appellate Authority it would have amounted to yet another appeal before a co-ordinate appellate authority, which was later brought into existence. An appeal will not lie against the order of another co-ordinate appellate authority. Therefore, the learned Single Judge rightly set aside the order of the District Teachers Employment Appellate Authority dated 15th April, 2011 and rightly allowed the Writ Application.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Dilip/-

AFR/NAFR	NAFR
CAV DATE	N/A
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