

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 761 of 2016

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Aghore Prakash Shishu Sadan, (Recognized Linguistic Minority School), Dr. B.C. Roy Path (Khazanchi Road), Patna through its Honorary Secretary Bipin Bihari Mandal, Son of Late Gopal Chandra Mandal.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director Administration-cum- Joint Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
4. The Director, Secondary Education, Education Department, Government of Bihar, New Secretariat, Patna.
5. Rita Rani Wife of Arun Kumar, Resident of C/o Late Laxman Lal Rajak Naya Tola, Khazanchi Road, P.S- Pirbahore District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-10-2017

Heard learned counsel for the petitioner and the

State.

2. The petitioner has moved the Court for the

following reliefs:

“That the present writ application is being filed for quashing of the ad-interim order dated 23.11.2015 passed in Appeal Case No. 50 Of 2015 (Rita Rani Vs. Aghore Prakash Shishu Sadan Secretary School, Khajanchi Road, Patna) passed by the learned District Education Appellate Authority, Patna (Herein after referred as ‘Authority’) whereby where under the petitioner (herein) has been directed to keep private respondent no. 5 working in the school till the disposal of the said appeal.



The aforesaid ad-interim order dated 23.11.2015 passed by the learned Authority is wholly without jurisdiction as the petitioner school is a private linguistic minority educational institution and the said school does not come under the purview of the Bihar State School Teachers and Employees Grievance Redressal Rules, 2015 (herein after referred as Rule) for, reason that the petitioner school is un-aided linguistic minority education institution.

3. After some arguments, learned counsel for the petitioner submitted that the writ petition be disposed off with a direction to the District Teachers Employment Appellate Authority, Patna (hereinafter referred to as the ‘Authority’) to finally decide Appeal Case No. 50 of 2015, filed by the respondent no. 5.

4. Learned counsel for the State does not object.

5. In view thereof, the writ petition stands disposed off with a direction to the Authority to dispose off Appeal Case No. 50 of 2015 expeditiously and in any case within three months from the date of production of a copy of this order before it.

(Ahsanuddin Amanullah, J.)

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