

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23747 of 2012

=====

1. Achhelal Singh S/O Rudal Singh R/O Vill-Nirkhapur, P.S.-Sisawan,
P.O.-Gyaspur, Distt-Siwan Petitioner

Versus

1. The State Of Bihar
2. The Secretary-Cum-Commissioner, Department Of Education , Bihar,
Patna
3. District Magistrate, Siwan
4. District Superintendent Of Education , Siwan
5. Block Development Officer, Siswan, Distt-Siwan
6. Block Education Extension Officer, Siswan, Distt-Siwan
7. Mukhiya, Gram Panchayat Gyaspur, Anchal-Siswan, Distt-Siwan
8. Awadh Raj Singh S/O Asheshwar Singh R/O Vill-Nirlakhapur, P.S.-
Siswan, Distt-Siwan Respondents

=====

Appearance :

For the Petitioner/s : Mr. K.K.Tiwary, Advocate
For the Respondent/s : Mr.K.P. Gupta, SC-16

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-08-2017 The petitioner in the present writ application has sought for quashing of the order dated 16.05.2009 passed by Mukhiya, respondent no.7, by which the petitioner has been removed from the post of Panchayat Teacher, in light of the order passed in C.W.J.C. No. 14497 of 2005. After the removal of the petitioner, the petitioner has filed the Review application in respect to the order passed in C.W.J.C. No.14497 of 2005, which was numbered as Civil Review No.263 of 2009. The said review application of the petitioner was dismissed and against the said order, the petitioner had preferred L.P.A., which was numbered as L.P.A. No. 15/2012. Vide order dated 25.11.2012, the Division Bench disposed of the said appeal of the petitioner herein in following



terms:-

“We clarify that we have not examined the challenge made in the present Appeal on merit. The Appellant will be at liberty to challenge the order of removal from service in a substantive proceeding before the appropriate forum. In the event the appellant challenges his removal from service the same shall be considered in accordance with law. Nothing stated in this order or the impugned judgment and order dated 17th February 2009 passed by the learned single Judge shall be prejudicial to the appellant’s interest”.

Considering the observation made by the Division Bench in the aforesaid case, the petitioner is directed to file an appeal before the District Appellate Authority as per the Statute within a period of 30 days from the date of the order which shall be disposed of within the statutory period, in terms of the observation made by the Division Bench in L.P.A. No. 15 of 2012 dated 25.01.2012.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

Amit/-

--	--	--	--



