

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3138 of 2012**

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1. Birendra Kumar Chaudhary Son Of Shri Raja Ram Chaudhary Resident Of Village-Surhani, P.O.-Kasab, P.S.-Udwant Nagar, District-Bhojpur At Arrah

.... .... Petitioner

Versus

1. The State Of Bihar
2. The Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
3. The District Teachers Employment Appellate Authority, Bhojpur At Arrah Through Its Member
4. The District Programme Officer (Establishment), Bhojpur At Arrah
5. The Block Development Officer, Udwant Nagar, Distt.-Bhojpur At Arrah
6. The Block Education Extension Officer Udwant Nagar, District-Bhojpur At Arrah
7. The Panchayat Secretary, Gram Panchayat Raj Kusumha, Udwant Nagar, District-Bhojpur At Arrah
8. The Mukhiya, Gram Panchayat Raj Kusumha, Udwant Nagar, District-Bhojpur At Arrah
9. Renu Kumari D/O Kesav Prasad Singh Resident Of Village-Surhani, P.O.-Kasab, P.S. Udwant Nagar, District-Bhojpur At Arrah

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Rajendra Pd. Singh, Sr. Adv.  
Mr. Rajeev Kr. Singh, Advocate.  
For the Respondent No.9: Mr. K.N.Choubey, Sr. Advocate.  
Mr. Ashok Kumar Garg, Advocate.  
For the State : Mr. Pankaj Kumar Singh, AC to GA-9

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

8      27-11-2017      Learned counsel for the petitioner seeks permission to withdraw the present application with a liberty to prefer an appeal before the State Appellate Authority, challenging the order dated 07.12.2011 passed in Case No.29/2010 by the District Teachers Employment Appellate Authority, Bhojpur at Ara, which is under challenge, in this writ application.

Permission is accorded.

The petitioner shall file an appeal within a period of



thirty days from the date of the order and the same shall be disposed of within the statutory period, in accordance with law.

The present application is disposed of with the aforesaid observation and direction.

It has further been pointed out by learned counsel for the petitioner that the petitioner was granted interim relief by this court vide order dated 21.02.2012. The petitioner will be at liberty to file separate application for grant of any interim relief, if so advised, during the pendency of the appeal, within a period of ten days from the date of filing of the appeal. The said application filed by the petitioner shall be disposed of within a period of twenty days.

It has further been submitted on behalf of the petitioner that the case of the petitioner is squarely covered by the order passed by this court in *Kalpana Rani Vs. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar & Ors* reported in 2014(2) PLJR (HC) 665. The District Appellate Authority has got no jurisdiction to examine the initial appointment of the petitioner as a Siksha Mitra.

**(Sudhir Singh, J)**

Amit/-

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