

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1815 of 2016

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1. Quadra Bano wife of Sri Taukir Ahmad Resident of village - Shahpur Baghuni, Block - Tajpur, Police Station - Waini Tajpur, District - Samastipur.
 2. Anita Devi wife of Sri Surendra Mahto Resident of village - Singhikhard, Block Jitarwarpur, Police Station - Samastipur, District - Samastipur.
 3. Baby Kumari wife of Bishnu Kumar Resident of Village - Chakjado Marai, Block - Patepur, Police Station - Baligaon, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The District Teacher Employment Appellate Authority, Samastipur through its Member.
3. The Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
4. The Director, District Rural Development Authority, Samastipur.
5. The District Magistrate, Samastipur.
6. The District Superintendent of Education, Samastipur.
7. The Block Development Officer, Tajpur, Samastipur.
8. The Block Education Extension Officer, Block - Tajpur, District - Samastipur.
9. The Mukhiya, Gram Panchayat Raj Rahimabad, Block Tajpur, District - Samastipur.
10. The Panchayat Secretary, Gram Panchayat Raj Rahimabad, Block - Tajpur, District - Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Abdul Mannan Khan, Advocate
Mr. Md. Harun Quareshi
For the State : Mr. Ravi Verma, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-09-2017

Heard learned counsel for the petitioners, State and
respondent no. 10.

2. The petitioners have moved the Court for the
following reliefs:

*“(i) For issuance of a writ in the nature of
certiorari or any appropriate writ, order and*



direction for quashing the order dated 19.06.2015 passed by District Teacher Appointment Appellate Authority vide memo no. 88/Samastipur by which order set aside the appointment of the petitioners on the post of Panchayat Teacher.

(ii) For issuance of a writ in the nature of mandamus or any other appropriate writ, order and direction commanding the respondents not to disturb the petitioners from their respective post who were appointed as a Panchayat Teacher according to law.

(iii) For quashing of the letter no. 3112 dated 14.06.2010 issued under the signature of Respondent no. 5 whereby and whereunder direction has been given to Respondent no. 6 to cancel the appointment of the petitioners from the post of Panchayat Teacher and also to lodge F.I.R. against the petitioners.

(iv) For quashing of the letter no. 1910 dated 05.07.2010 whereby and whereunder the respondent no. 6 has directed Respondent No. 10 to cancel the appointment of the petitioners from the post of Panchayat Teachers and also to lodge F.I.R. against the petitioners.”

3. Considering the controversy involved, the Court, by the order dated 22.06.2017, had directed the learned State counsel to keep the original records with him. The same has been produced today.

4. Cost of Rs. 5,000/- has also been deposited with the Bihar State Legal Services Authority in terms of the order dated 04.09.2017 and learned counsel for the State has produced receipt showing such payment. Let the same be kept on record.

5. In view of the stand taken on behalf of the State, based



on records, the Court considers that the matter is required to be adjudicated by a forum which can take evidence and give findings of fact, for which, the High Court under its writ jurisdiction under Article 226 of the Constitution of India may not be the appropriate forum.

6. Faced with the situation, learned counsel for the petitioners submitted that the matter be disposed off with liberty to approach before the State Appellate Authority against the order dated 19.06.2015 passed by the District Teachers Employment Appellate Authority, Samastipur in Appeal Case No. 64 of 2013.

7. Learned counsel for the State does not object.

8. In view thereof, the writ petition stands disposed off with liberty aforesaid.

9. If an appeal is filed before the State Appellate Authority, within one month from today, the same shall be considered and disposed off on merits expeditiously and within the statutory period.

(Ahsanuddin Amanullah, J)

P. Kumar

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