

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.706 of 2017

In

Civil Writ Jurisdiction Case No.11784 of 2011

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Priya Kumari, W/o Sri Sajjan Kumar @ Sazan Kumar, R/o Village - Khutkat,
P.S. Sikandra, District - Jamui.

... .. Respondent-Appellant/s

Versus

1. The State of Bihar.
2. The Member, The District Teacher Selection Appellate Tribunal, Jamui.
3. The Education Secretary, Department of Human Resources New Secretariat,
Patna.
4. The District Magistrate, Jamui.
5. The Block Development Officer Sikandara P.S. Sikandara, District Jamui.
6. The District Education Officer, Jamui.
7. The District Superintendent of Education, Jamui.
8. The Block Education Extension Officer Sikandra P.S. Sikandra, District
Jamui.
9. The Panchayat Secretary Gram Panchayat Bhullo, Block - Sikandra, P.S.
Sikandra, District Jamui.
10. The Mukhiya Gram Panchayat Bhullo, Block Sikandra, P.S. Sikandra, District
- Jamui.
11. The Principal, New Primary School Dhanimatari (Sikandra), P.S. Sikandra,
Dist – Jamui.

.... Respondents/Respondents

12. Rinku Kumari W/o Rakesh Kumar R/o Village - Chaudiha, P.S. - Jamui,
District - Jamui.

... .. Petitioner- Respondent/s

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Appearance :

For the Appellant/s	:	Mr. P. K. Shahi, Senior Advocate
		Mr. Mrityunjay Kumar, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey- AAG 15

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 15-11-2017

Re.: Interlocutory Application No.4000 of 2017

Delay of 17 days in filing of the Letters Patent Appeal is condoned.

Interlocutory Application stands allowed and disposed of.

Re.: Letters Patent Appeal No. 706 of 2017

Having heard learned counsel for the parties, we find that as the learned Writ Court has quashed the order passed by the District Teachers Employment Appellant Authority, Jamui (hereinafter referred to as 'the appellate authority') only on account of the fact that the writ petitioner-respondent no.12 herein, namely Rinku Kumari, was not noticed and heard before passing of the order by the appellate authority, the order quashing the order of the appellate authority needs no interference. However, as the order passed by the appellate authority was in violation to the principles of natural justice, matter should have been remanded back to the appellate authority for reconsideration and taking action afresh in accordance with law.



We, accordingly, modify the order passed by the learned Writ Court on 02.03.2017, remand the matter back to the Appellate Authority, Jamui and direct the appellate authority to proceed in the matter in accordance with law, hear all concerned and take a decision afresh on the appeal within a period of three months.

With the aforesaid modification in the order passed by the learned Writ Court on 02.03.2017, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2017
Transmission Date	

