

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 20359 of 2011

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Mintu Kumar S/O Govind Bhagat R/O Village- Lalsabigha, P.S. + District-
Jehanabad

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Human Resources Department, Government of Bihar, Patna
2. The Principal Secretary Human Resources Department, Government of Bihar, Patna
3. The Director, Primary Education Human Resources Department, Government of Bihar, Patna
4. The District Education Officer, Jehanabad
5. The District Teacher Employment Appellate Authority, Jehanabad through its Secretary
6. The Secretary District Teacher Employment Appellate Authority, Jehanabad
7. The Block Development Officer, Kako, in the District Jehanabad
8. The Block Education Officer, Kako, in the District of Jehanabad
9. The Gram Panchayat Badhona through its Panchayat Secretary under Kako Block in the District of Jehanabad
10. The Panchayat Secretary, Badhona, in the District of Jehanabad
11. Mustak Alam S/O Md. Samsuddin Ansari R/O Mohalla- Bisunganj, P.O. + P.S.+District- Jehanabad
12. The Headmistress undu Primary School, Badhona under Kako Block in the District of Jehanabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Respondent/s : Mr. Vivek Prasad GP-7
Mr. Vinod Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 23-05-2017 Heard Sri Sunil Kumar, learned counsel for the petitioner, Sri Vivek Prasad, learned Govt. Pleader – 7 as well as Sri Vinod Kumar, learned counsel, who has appeared on behalf of respondent no. 11.

The petitioner has approached this Court invoking its



writ jurisdiction under Article 226 of the Constitution of India, with a prayer to quash an order dated 25-11-2010, as contained in Memo No. 1509, passed by the District Teacher Employment Appellate Authority, Jehanabad (hereinafter referred to as the 'District Appellate Authority') in Case No. 210 of 2009.

At the very outset, Sri Vivek Prasad, learned State counsel submits that now Bihar State Teachers Employment Appellate Tribunal (hereinafter referred to as the 'State Appellate Tribunal') is already functioning and against the order of the District Appellate Authority, there is remedy of appeal.

Considering the fact that once State Appellate Tribunal is already functioning to consider the order passed by the District Appellate Authority, there is no reason to keep the matter pending.

Accordingly, the writ petition stands disposed of with an observation that if within a period of eight weeks from today the petitioner files an appeal before the State Appellate Tribunal, the appeal of the petitioner may be considered on merit without going on the question of limitation, since after the order of the District Appellate Authority, the petitioner has immediately approached this Court by filing the present writ petition in the year 2011.



The writ petition stands disposed of.

(Rakesh Kumar, J.)

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