

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25343 of 2013

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Devendra Prasad Singh Son of Late Ramanand Singh, Resident of Village & P.O. Pirauta, Police Station- Baniapur, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Deputy Development Commissioner-cum-Chairman, District Education Establishment Committee, Saran at Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer (Establishment), Saran at Chapra.
8. The Prakhand Pramukh, Nagra Prakhand, District- Saran.
9. The Block Development Officer, Nagra, District Saran.
10. The Block Education Officer, Nagra, District- Saran.
11. The Member, District Teacher's Employment Appellate Authority, Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the State : Mr. Gyan Shankar, A.C. to G.P. 2

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-03-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has challenged the order passed by the District Teachers Employment Appellate Authority, Saran, Chapra (hereinafter referred to as the 'Authority') in Case No. 163 of 2011 dated 29.04.2013, by which the claim of the petitioner seeking appointment as a Physical Trained Prakhand Teacher has been rejected.

3. Learned counsel for the State submitted that a State Teachers Appellate Authority has been consisted in terms of the



notification of the State Government of the Education Department bearing No. 513 dated 13.05.2015. He submitted that such State Appellate Authority has also become functional from December, 2016. Learned counsel drew the attention of the Court to Clause 14 (1) of the said notification which provides for the State Appellate Authority to condone the delay on sufficient cause shown.

4. Faced with the situation, learned counsel for the petitioner prayed for withdrawal of the writ petition with liberty to approach the State Appellate Authority.

5. In view of the aforesaid, as prayed for by learned counsel for the petitioner, the writ petition stands disposed off with the liberty aforesaid.

6. It may be observed that if such an appeal is filed within one month from today, along with a copy of this order, the State Appellate Authority shall consider condoning the delay in accordance with law and also taking into consideration the pendency of the present writ application. If the State Appellate Authority condones the delay and decides to hear the matter on merits, the same shall be disposed off within the statutory period.

(Ahsanuddin Amanullah, J.)

P. Kumar

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