

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.21940 of 2014**

=====

Nitu Kumari, Daughter of Sri Nawal Kishore Singh, resident of village- Ramban,  
P.S. and P.O. Chaitya, District - East Champaran at Motihari

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Primary and Adult Education Department, Bihar, Patna
2. The District Magistrate, East Champaran, Motihari
3. The District Education Officer, East Champaran, Motihari
4. The District Programme Officer, East Champaran, Motihari
5. The Member, District Teacher Appellate Authority, East Champaran, Motihari
6. The Block Development officer, Pakari Dayal, District East Champaran, Motihari
7. The Panchayat Secretary, Gram Panchayat, Tharmitiya, Block - Pakari Dayal, District - East Champaran, Motihari
8. The Mukhiya, Gram Panchayat, Tharmitiya, Block - Pakari Dayal, District - East Champaran, Motihari

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Dr. Chandra Shekhar Azad, Advocate  
Mr. Kishore Murti Singh, Advocate  
For the Respondent/s : Mr. Vivek Prasad, GA-7  
Mr. Jitesh Singh

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**Date: 04-10-2018**

Heard learned counsel for the petitioner and State.

2. Earlier the petitioner has approached this Court in C.W.J.C. No. 15596 of 2007, which was disposed of vide order dated 22.07.2011 with liberty to the petitioner to approach the District Teachers Appellate Authority within a period of eight weeks.

3. Learned counsel appearing for the petitioner submits that unfortunately, the order passed in C.W.J.C. No. 15596 of 2007 dated 22.07.2011 was not communicated to the petitioner by the



conducting advocate and, as such, he prays for grant of liberty to file an appeal before the District Teachers Appellate Authority, as the appeal has not been filed within the time frame indicated by this Court in C.W.J.C. No. 15596 of 2007 dated 22.07.2011, so that the Appellate Authority may appropriately decide the claim of the petitioner.

4. Considering the fact that a Co-ordinate Bench of this Court while disposing of C.W.J.C. No. 15596 of 2007 vide order dated 22.07.2011 has granted liberty, but the petitioner could not avail the said liberty for the reason indicated hereinabove, the present writ application is disposed of with liberty to the petitioner to approach the District Teachers Appellate Authority within a period of one month from today along with a copy of this order. In case, such appeal is filed by the petitioner, the Appellate Authority will hear and decide the appeal on its own merit ignoring the delay in filing the appeal.

5. With the aforesaid liberty, the writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

Uday/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 11.10.2018 |
| Transmission Date |            |

