

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19858 of 2014

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Saurabh Kumar S/o Kapil Ram Resident of Village Mahuet, Police Station
Wagirganj, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Education Officer, Gaya.
5. The District Programme Officer (Establishment), Gaya.
6. The Block Development Officer, Khizersarai.
7. The Block Education Officer, Khizersarai. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Bharti, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC-9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 12-07-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The petitioner has filed the present writ petition for a
direction to the respondents to recommend the qualified untrained
candidates for issuing appointment letter.

3. Learned counsel for the petitioner submits that
during the pendency of the writ petition, the petitioner had
approached the District Teachers Employment Appellate Authority
and the Appellate Authority has passed order in favour of the
petitioner, yet the respondents are not issuing appointment letter in
favour of the petitioner.

4. In view of the above, the writ petition is disposed of
with liberty to the petitioner to approach the District Programme



Officer, Establishment, Gaya for implementing the direction of the District Teachers Employment Appellate Authority dated 26.7.2016, if not implemented as yet and the District Programme Officer, Establishment, Gaya is required to implement the same as they cannot sit in appeal against the decision of the Appellate Authority. They have the remedy either by way of appeal before the State Appellate Authority or by way of filing writ petition under Article 226 of the Constitution of India and they cannot sit in appeal against the decision of the District Teachers Employment Appellate Authority.

5. Under the aforesaid circumstances, the District Programme Officer, Establishment is directed to either implement the direction of the District Teachers Employment Appellate Authority or get the order set aside by the superior forum or Court.

6. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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