

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2334 of 2012

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Rajeev Ranjan Singh Son Of Shri Raj Kishore Singh Resident Of Village -
Mahuari, Police Station - Maharajganj, District - Siwan, At Present Posted
And Working As Panchayat Teacher In Govt. Primary School Tarwar, Anchal
Bhagwanpur Hat, District Siwan

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department,
Government Of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Magistrate, Siwan
5. The Deputy Development Commissioner-Cum-Chariman, District Education
Establishment Committee, Siwan
6. The District Education Officer, Siwan
7. The District Programme Officer(Establishment), Siwan
8. The Block Development Officer, Bhagwanpur Hat, District Siwan
9. The Block Education Officer, Bhagwanpur Hat, District - Siwan
10. The Mukhiya Of Gram Panchayat Raj Mora Khas, Block - Bhagwanpur Hat,
District - Siwan
11. The Panchayat Secretary Of Gram Panchayat Raj Mora Khas,Block -
Bhagwanpur Hat, District - Siwan
12. The Member, District Teacher's Employment Appellate Authority, Siwan
13. Shri Santosh Son Of Shri Mahavir Prasad Resident Of Village - Juafar, P.O.-
Chakia, Via Mora, Police Station Bhagwanpur Har, District Siwan
14. Sunil Kumar Prasad Son Of Shri Bachcha Prasad Resident Of Village Juafar,
P.O. Chakia, Via Mora, Police Station Bhagwanpur Hat, District Siwan , At
Present Posted And Working As Panchayat Teacher In New Govt. Primary
School Tarwar Tole Kharihat, Anchal Bhagwanpur Hat, District Siwan
15. Dhananjay Singh Son Of Shri Sheo Pujan Singh Resident Of Village Mora
Khas, Police Station Bhagwanpur Hat, District Siwan, At Present Posted and
Working As Panchayat Teacher In New Govt, Primary School Tarwal Tole
Kharihat, Anchal Bhagwanpur Hat, District Siwan
16. Vinod Yadav At Present Posted And Working As Panchayat Teacher in Govt.
Primary School Mairi Dalip, Anchal Bhagwanpur Hat, District Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : None



For the Respondent/s : Mr. Prahlad Kr. Bhagat (Gp13)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 16-07-2018

The order sheet of this case indicates that after obtaining interim order on 06.02.2012, the petitioner has adopted indifferent attitude towards this case. The order sheet further indicates that on numerous occasions no one had appeared on behalf of the petitioner. On 8.9.2017, the writ petition was dismissed for non-prosecution and thereafter it was restored vide order dated 28.3.2018 passed in MJC No. 3227/2017. Earlier the case was listed for admission but none had appeared and the case was adjourned. It appears that the petitioner has lost his interest in the instant case. On the last occasion when no one had appeared, in order to facilitate the petitioner the court directed the case to be listed under the heading "For Dismissal" today, yet no one has appeared today.

2. For the aforesaid reason the Court does not find any justification to keep the matter pending. This writ petition was filed for quashing of the order dated 13.1.2012 passed by the District Teachers Employment Appellate Authority. From the order said order it appears that the appellate authority has earlier passed the order and the same was reviewed.



3. The only issue raised in the present writ petition is whether the District Teachers Employment Appellate Authority has jurisdiction to review its earlier order. In the absence of specific power of review, petition for review is not maintainable. Reference in this connection may be made to the case of **Dr. Smt. Kuntesh Gupta Vs. Hindu Kanya Mahavidyalaya, Behrampur: AIR 1987 SC 2186.**

4. In view of the above, the Court finds substance in the contention of the petitioner that the order of the appellate authority reviewing its previous order is without jurisdiction and accordingly, the order passed by the appellate authority is unsustainable and it is accordingly, quashed.

5. In the result, the order dated 13.1.2013 (Annexure-9) is quashed. The writ petition is allowed to the aforesaid extent. However, liberty shall be available to the parties to approach the State Appellate Authority, in case they are aggrieved by the order of the District Teachers Employment Appellate Authority by filing an appeal before the State Appellate Authority.

6. In case an appeal is filed within a period of one month from today along with a copy of this order, the State Appellate Authority is required to decide the appeal on its own merit after condoning the delay in filing the appeal against the



original order passed by the District Teachers Employment Appellate Authority dated 9.12.2011, Annexure-7.

7. With the aforesaid liberty and quashing of Annexure-9, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2018
Transmission Date	

