

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3644 of 2016

=====

Rakesh Kumar Yadav Son of Sri Ravindra Yadav Resident of Village-
Andar Dhala Laxmipur P.S Siwan, P.S.+District Siwna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Education Employment Appellate Authority Siwan.
3. Employment Unit Panchayat Raj Orma Mukund D/o Hari Kishore Prasad Orma Nayaka Block Siwan.
4. Pratibha kiran D/o Hari Kishore Prasad Both Orma Naya Uttar Tola, P.S. Siwan P.S.Mufassil District-Siwan.
5. Savita Kumari D/o Parmeshwar Prasad Both 4 and 5 of Village- Orma Naya Uttar Tola, Siwan.
6. Mukhiya Panchayat Raj Orma Mukund Siwan.
7. Panchayat Sachiv Panchayat Raj Orma Mukund Siwan.
8. Block Education Officer, Siwan.

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Kaushal Kishore Mishra

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-09-2018 The petitioner has filed the present writ petition for quashing the order dated 06.05.2015 passed by the District Education Appellate Authority, Siwan in Appeal No. 353 of 2012.

The learned counsel for the petitioner has made a two pronged attack; one that the case of the petitioner has been rejected on conjectures and surmises and not on merits; and secondly though the petitioner had filed a petition for condonation of delay, the appellate authority has not considered the same and instead has wrongly recorded that no petition for condonation of



delay has been filed.

The learned counsel for the petitioner has submitted that in view of the case of the petitioner having not been considered on merits by the Tribunal, the impugned order dated 06.05.2015 is not sustainable in the eyes of law.

Having regard to the facts and circumstances of the case, this Court finds that the case of the petitioner should have been heard on merits, hence the order dated 06.05.2015 passed by the District Education Appellate Authority, Siwan in Appeal No. 353 of 2012 is set aside and the matter is remanded back to the said appellate authority in order to decide the case of the petitioner on merits.

The writ petition is allowed.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

