

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12632 of 2013

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Anita Kumari D/O Sri Lalan Upadhya Resident Of Village + P.O.
Baikunthpur, P.S. Sikraul, District - Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Secretary Cum Commissioner, Human Resources Development Department Govt. Of Bihar, Patna
2. The District Magistrate, Buxar
3. The District Education Officer, Buxar
4. The Block Development Officer, Etarhi, Buxar
5. The Block Education Extension Officer, Etarhi Block, Buxar
6. The Member, District Teacher Employment, Appellate Authority Buxar
7. The Mukhiya, Gram Panchayat Raj, Barkagaon, Etarhi Block, Buxar
8. The Panchayat Secretary, Gram Panchayat Raj Barkagaon, Etarhi Block, Buxar
9. The Member Panchayat Samittee, Gram Panchayat Raj Barkagaon, Etarhi Block, Buxar
10. The Member Education Samittee, Gram Panchayat Raj Barkagaon, Etarhi Block, Buxar
11. Smt. Neeta Devi Wife Of Sri Shiv Shankar Upadhya Resident Of Village + P.O. Baikunthpur, P.S. Sikraul, District - Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Jha
		Mr. Amit Shankar
For the Respondent/s	:	Shilpi Keshri, AC to AAG-10

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 29-10-2018

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

Petitioner is aggrieved by the order contained in
Annexure-1 dated 17.4.2013.

Learned counsel appearing on behalf of the petitioner
submits that in the instant case, the Appellate Authority
proceeded on the premises that the notice was validly served on



this petitioner but in fact, notice was not served on the petitioner because of fraud practice in the matter of service of notice on this petitioner.

Considering the fact that order impugned was passed without hearing the petitioner, the writ petition is allowed. The order contained in Annexure-1 is hereby quashed.

The matter is remitted back to the District Teachers Employment Appellate Authority who shall provide an opportunity of hearing to the petitioner as well as private respondents and after opportunity of hearing the petitioner and the private respondents, the Appellate Authority will pass fresh order in accordance with law within a maximum period of four months from the date of receipt/production of a copy of this order.

The court hope and trust that the parties will extend full cooperation in expeditious disposal of the appeal before the District Teachers Employment Appellate Authority after remand.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.11.2018
Transmission Date	

