

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.710 of 2018**

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1. Nand Kishore Son of Sri Gyani Bhagat Resident of Village - Ganeshpur,  
P.S. - Belsand, District - Sitamarhi, Bihar .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education  
Department, Govt. of Bihar, Patna.  
2. The Director, Primary Education, Govt. of Bihar, Patna.  
3. The District Magistrate, Sitamarhi.  
4. The District Education Officer, Sitamarhi.  
5. The District Programme Officer, Sitamarhi.  
6. The Block Education Officer, Belsand, District Sitamarhi.  
7. The Mukhia, Gram Panchayat - Dumra (Naraura), P.S. - Belsand, District  
- Sitamarhi.  
8. The Panchayat Secretary, Gram Panchayat - Dumra, Nuraura - cum -  
Secretary, Panchayat Teacher Niyojan Unit, Dumra Nuraura, P.S. +  
Prakhand - Belsand, District - Sitamarhi.  
9. Birendra Kumar S/o Ramdeo Rai R/o Village - Pachnaur, Prakhand -  
Belsand, District - Sitamarhi .... Respondents

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**Appearance :**

For the Petitioner : Mr. Pramod Kumar Singh, Adv.  
For the Respondents : Mr. Madhaw Pd. Yadav- Gp23

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

2      16-02-2018                      Heard the learned counsel for the petitioner and the  
  
learned counsel appearing for the State.

Petitioner has earlier approached this Court by way  
of filing C.W.J.C. No. 22840 of 2012, which was disposed of by  
order, dated 11.09.2017. The Court granted permission to the  
petitioner to file appeal before the District Appellate Authority,  
Sitamarhi, for redressal of his grievance. The Court also indicated  
in the order that if the appeal is preferred within a maximum  
period of thirty days, from the date of the order. The appellate  
authority was to decide the appeal in accordance with law within  
the statutory period.

From perusal of Annexure 7, it appears that the



appellate authority has discussed many things while deciding the appeal, but, the appellate authority has decided the matter on the ground that the appeal was filed belatedly, which was hopelessly barred by limitation.

In view of the discussion in the order of the appellate authority it would be appropriate that petitioner may approach the State Appellate Authority, if the petitioner files appeal before the State Appellate Authority within a period of one month from today, the State Appellate Authority is required to examine the merit of the case after condoning the delay, if any, in filing the appeal. The appellate authority will decide the appeal on its own merit and will not in any manner prejudice by the observation of the District Appellate Authority about the delay in filing the appeal. The appellate authority is required to take final decision expeditiously.

With the aforesaid liberty, this writ application stands **disposed of.**

**(Anil Kumar Upadhyay, J)**

SA/-

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