

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7176 of 2017**

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Sushma Sinha Wife of Sri Sanjay Kumar Resident of Village and Post Office-  
Rustampur and Police Station - Hulasganj, District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through Human Resources Department through Principal Secretary, Government of Bihar, Patna
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna
3. The District Magistrate, Nalanda
4. The District Programme Officer (Establishment), Nalanda
5. The Block Education Officer, Thathari, Nalanda
6. The Gram Panchayat Thathari through Panchayat Secretary, Block-Thathari, Nalanda
7. The Mukhiya, Gram Panchayat Thathari Block- Thathari, Nalanda
8. The District Teachers Appellate Tribunal, Nalanda

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate  
For the Respondent/s : Mr. Kumar Kumudnayan, AC to SC 28

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

2      03-05-2018                      Heard learned counsel for the petitioner and the State.

From perusal of Annexure-8, it appears that the petitioner's Appeal No. 3/2012 was dismissed on account of non-prosecution. Since District Teachers Employment Appellate Authority has no jurisdiction to restore the appeal, the petitioner has filed present writ petition.

Considering the fact that the appeal was not decided on merit, the writ petition is allowed.

The case is remanded back to the District Teachers Employment Appellate Authority to provide one more



opportunity to this petitioner and after hearing the appellant and  
all concerned, decide the Appeal No. 3/2012 on its own merit.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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