

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16682 of 2014

Uma Prasad Gupta Son of Late Mukhlal Sah resident of village
Amba, P.S. Amba (Kutumba), District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Teacher Appointment Appellate Tribunal, Aurangabad
through its Member
3. The District Programme Officer-cum-District Education Officer,
Aurangabad
4. The Block Development Officer, Kutumba, Aurangabad
5. The District Superintendent of Education, Aurangabad
6. The Block Education Extension Officer, Kutumba
7. The Prakhanda Pramukh Kutumba, Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh
For the Respondent/s : Mr. Aag10- P.N. Sahi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

- 3 27-08-2018 1. Heard learned counsel for the petitioner and
counsel appearing on behalf of the State.
2. Petitioner is aggrieved by the order contained in
Annexure-10. Counsel for the petitioners submits that
Annexure-10 is error of record. At the time when the order was
passed he was hospitalized at Varanashi and as such the order of



Appellate Authority that the appellant was present and he has agreed that the issue of payment of salary for the period he has actually worked can only be decided and he will not claim for reinstatement is error of record.

3. This writ petition has been filed on 22.9.2014 even after four years no counter affidavit has been filed on behalf of the respondents. Therefore, the Court is not in a position to decide whether the statement of the petitioner is correct or not as it has not been disputed by the respondents by way of filing counter affidavit. The stand of the petitioner that he was not present in the proceeding.

4. From perusal of the material available on the record, it appears that petitioner was undergoing on treatment at Varanasi and as such prima facie this court is of the view that petitioner was not present in the proceeding at the relevant time.

5. Under the aforesaid circumstance, the Court accept the contention of the petitioner and quash the order contained in Annexure-10. So far as the petitioner of this case is concerned. The matter is remitted back to the District Teacher Appointment Appellate Tribunal, Aurangabad, to examine the claim of the petitioner afresh and after examining the legality and validity of the appointment of the petitioner, the Appellate authority will



pass appropriate order in connection with the claim of the petitioner for payment if not already made to the petitioner. It is made clear that payment of petitioner would abide by the fresh decision of the appellate authority. The Appellate Authority will take appropriate decision expeditiously.

6. With the aforesaid the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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