

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2804 of 2013

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Najma Khatoon, Widow of Mahboob Alam and Daughter of Mubarak Ansari,
Resident of Village - Tushapali Tola, P.S.- Sorsian, District - West Champaran
.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, H.R.D., Govt. of Bihar, Patna
2. The District Magistrate, West Champaran
3. The District Superintendent of Education, West Champaran, at Bettiah
4. The Block Education Extension Officer, Chanpatia Block, District - West Champaran
5. The Mukhiya, Gram Panchayat Raj, Pubi Turhapati, P.S. Sirsaian, District - West Champaran, at Bettiah
6. The Secretary, Gram Panchayat Raj Purbi Turhapati, P.S. Sirsaian, Dist - West Champaran
7. The Head Master, Govt. Primary School, Uttar Tola Turhapati, P.S. Sirsain, West Champaran, At Bettiah
8. The Secretary, Primary and Adult Education Department, Govt. of Bihar, Patna
9. The District Teachers Appointment Appellate Tribunal, Distt West Champaran through its Chairman

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. A Rahman, Advocate

For the Respondent/s : Mr. Apurv Harsh, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-08-2018

Heard learned counsel for the petitioner and respondents.

2. Learned counsel appearing on behalf of the respondents submits that the petitioner was paid her salary up to 2011 and later on the decision of the Tribunal was reviewed and the order of termination was maintained.

3. Learned counsel appearing on behalf of the petitioner submits that he is not aware of the subsequent development.



4. In view of the above, the writ application is disposed of with understanding that if the petitioner has been paid salary till the date she was continuing and not terminated then the present writ application has lost its significance. If subsequently the order of termination was held to be valid by the Appellate Tribunal, then in that situation, liberty shall be available to the petitioner to challenge the order of the Appellate Tribunal approving the order of termination in appropriate proceeding, as the scope of the present writ application is confined to payment of salary arrears and current.

5. In case, the petitioner files an appeal before the State Appellate Authority against the subsequent decision of the Appellate Authority, which was passed during the pendency of the writ application within a period of one month from today along with a copy of this order, the State Appellate Authority is required to decide the appeal in accordance with law on its own merit after condoning the delay, if any, in filing the appeal in view of the fact that the writ application filed by the petitioner remained pending for the last five years.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2018
Transmission Date	

