

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.557 of 2018
IN
Civil Writ Jurisdiction Case No. 981 of 2015**

=====

1. Pradeep Kumar Bosak, son of Shri Kisto Bosak, R/o village-Panasi, P.O-Panasi
Hat, P.S.Paharkatta, Block-Pothia, district-Kishanganj.

.... Appellant/s

Versus

1.The State of Bihar through Principal Secretary of Human Resource Department,
Government of Bihar, Patna, Bihar.

2.The District Magistrate, Kishangaj, Bihar.

3.The District Teacher Appointment Appellate Authority, Kishanganj, Through its
Member.

4.The District Programme Officer (Establishment),Kishanganj, District-Kishanganj.

5.The Block Development Officer, Pothiya, District-Kishanganj.

6.The Block Education Officer, Pothiya, District-Kishanganj.

7.Sanjay Bosak, son of Shri Prema Nand Bosak, R/o village-Panasi, P.O-Panasi.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Adv.

For the Respondent/s : Mr. SMT.SHILPA SINGH -GA12

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 05-07-2018

Challenge to the impugned judgment dated 29.01.2018
passed in Civil Writ Jurisdiction Case No.981 of 2005 in the present
Letters Patent Appeal cannot succeed for the simple reason that the
view taken by the learned writ Court is based on settled legal
propositions. The power of review is a creature of statute and if the
statute did not empower the District Teachers Employment Appellate
Authority, Kishanganj (hereinafter referred to as the 'Authority') to
review its own order, the Authority was not justified in reviewing its



own order which was already a subject matter of adjudication in CWJC No.17767 of 2011.

The learned writ Court is right in saying that once the respondent no.7 was agitating the matter before the Hon'ble High Court, the Authority was not required to entertain any further plea of respondent no.7.

We do not find any error in the impugned judgment. The Letters Patent Appeal has no merit. It is, accordingly, dismissed.

As a result of the setting aside of the order dated 25.10.2013 passed by the Authority in Case No.37 of 2010 along with Case No.376 of 2011, now the order dated 11.06.2011 stands revived. The appellant will have liberty to file an application for recall of the order of withdrawal passed on 25.07.2017 in the earlier writ application preferred by him. He will be at liberty to pursue his writ application challenging the order dated 18.06.2011.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	
CAV DATE	
Uploading Date	10.07.2018
Transmission Date	

