

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4298 of 2016

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Kumari Rutul @ Putul Kumari Wife of Bishwanath Prasad, Resident of Village Rampur Bara, P.O. - Alinagar Pali, P.S. Kako Pali, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director of Primary Education, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Collector, Jehanabad.
4. The Sub - Divisional Officer, Jehanabad.
5. The District Education Officer, Arwal.
6. The Member, District Teachers Employment Appellate Authority, Arwal.
7. Block Development Officer, Sonbhadra Banshi Suryapur, District - Jehanabad.
8. Anchal Adhikari Kako, District Jehanabad.
9. Panchaayat Secretary, Gram Panchayat Niyojan Unit, Chamandi Vanshi, Arwal.
10. Mukhiya, Gram Panchayat Chamandi Vanshi, Arwal.
11. Sanju Kumari, wife of Anil Kumar, Village and P.O. - Pondil, P.S. - Kurtha, District - Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amarendra Narayan, Advocate
		Mr. Deepak Kumar, Advocate
For the Respondent/s	:	Mr. M.K. Ambastha SC-26
		Mr. Balram Kapri, AC to SC 26

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 06-08-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The only issue involved in the present writ petition is whether the District Teachers Employment Appellate Authority has jurisdiction to decide the issue of caste of the petitioner.



Learned counsel appearing on behalf of the petitioner would submit that the District Teachers Employment Appellate Authority is forum of limited jurisdiction. It has no power to decide the issue of caste. The caste certificate was issued by the competent authority in favour of the petitioner and it has not been recalled or cancelled, yet the District Teachers Employment Appellate Authority, while deciding the appeal has entered into the controversy, which is not in the domain of the District Teachers Employment Appellate Authority.

The issue as to jurisdiction of the District Teachers Employment Appellate Authority, so far as determination of caste is concerned, it is admitted by learned counsel appearing on behalf of the parties that no such jurisdiction is vested with the District Teachers Employment Appellate Authority.

In view of the above, the order dated 4.2.2016 as contained in Annexure-1 is held out to be without jurisdiction. It is, accordingly, quashed. The follow up decision dated 9.2.2016, as contained in Annexure-2 is also without jurisdiction and the same is, accordingly quashed. The matter is remitted back to the District Teachers Employment Appellate Authority to take a fresh decision on the appeal without going into the controversy of the caste of the petitioner as it is not in its domain. The



District Teachers Employment Appellate Authority is directed to decide the case afresh after hearing the parties within a maximum period of 60 days from the date of receipt/production of a copy of this order .

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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