

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5314 of 2013

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Mridula Kumari W/o Praveen Kumar R/o Village- Makhdumpur, P.S.- Alipur,
District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The District Magistrate, Jehanabad
4. The Block Education Officer, Jehanabad
5. The District Teachers Appointment Appellate Tribunal, Jehanabad
6. Baij Manti Kumari, Panchayat Teacher Kaluachak, Newly Created Primary School, Darogachak Panchayat, Mandebigha, Jehanabad Block, Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar
For the State	:	Mr. U.P. Singh, A.C. to SC-4
For the Respondent No. 6:	:	Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

18 08-01-2019 The learned counsel for the parties are in agreement that the impugned order dated 16.07.2011 passed by the District Teachers Appellate Authority, Jehanabad is not in consonance with the provisions of the Bihar Panchayat Primary Teachers Employment & Service Conditions Rules, 2006 as also contrary to the judgment rendered by the learned Division Bench of this Court passed in L.P.A. No. 138 of 2014 on 29.01.2018 in the case of Uday Kumar Sharma vs. The State of Bihar & ors, hence the same is required to be set aside and the matter is to be remanded back to the learned Tribunal for re-consideration.

Having regard to the facts and circumstances of the



case, the submissions advanced by the learned counsel for the parties and the findings of the appellate tribunal being contrary to the judgment dated 29.01.2018 passed in L.P.A. No. 138 of 2014, I deem it fit and proper to set aside the judgment dated 16.07.2011 passed by the appellate Tribunal, Jehanabad and remand the matter back to the said Tribunal for fresh adjudication after issuing notice to the respective parties.

It is needless to state that the respective parties shall appear before the learned Tribunal on 28.01.2019 at 10:30 A.M. so that further date of hearing can be fixed for fresh adjudication of the case. It is also needless to state that the learned Tribunal would make endeavour for passing the final order within a period of three months from the date of first appearance of the parties i.e. 28.01.2019.

It is clarified that this Court has not expressed any opinion on the merits of the case except what has been observed hereinabove.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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