

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13626 of 2011

ANJU DEVI W/O Basisth Prasad R/O Vill. Bairiya Durg, P.O.-Jagarnath,
P.S.-Uchaka Gaon, Distt.-Gopalganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Director, Integrated Child Development Services Bihar 2nd Floor,
Indira Bhawan, R.C. Singh Path, P.O. Punaichak, P.S. Punaichak, Distt.
Patna.
3. The District Magistrate, Gopalganj.
4. The C.D.P.O. Uchakagaon P.O. And P.S. Uchakagaon, Distt. Gopalganj.
5. Mukhiya, Gram Panchayat Raj Bairiya Durg, P.O. Jagarnath, P.S.
Uchakagaon, Distt. Gopalganj.
6. Panchayat Secretary, Bairiya Durg, P.O. Jagarnath, P.S. Uchakagaon, Distt.
Gopalganj.
7. Babita Devi W/O Shri Shailendra Prasad Kushawaha R/O Vill. Bairiya
Durg, P.O. Jagarnath, P.S. Uchakagaon, Distt. Gopalganj.
8. Divisional Commissioner, Saran at Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Rajesh Kr Sharma, Shyama Kant Singh, Advocates
For the S t a t e	:	Mr Anuj Kumar, AC to GP XXIV
For Respondent/s No 7	:	M/s Vijay Shankar, Shiv Kr, Pritish Ranjan, Advs

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

10 26-08-2019 Learned counsel for the petitioner is permitted to
implead Divisional Commissioner, Saran as respondent No 8.

Heard learned counsel for the petitioner and the
respondent-State.

The issue, whether the Panchayat Teacher (husband of
the petitioner) was a Government servant or not so as to
disqualify the candidature of the writ petitioner, has been raised



in the instant proceeding.

Petitioner has not availed the remedy of appeal before the Divisional Commissioner.

Learned counsel for the State submits that the matter is required to be determined upon seeking the stand of the Education Department in this regard. Further stand of the State Counsel is that without availing the remedy of appeal before the Commissioner, the petitioner has directly rushed to this Court.

Having regard to the said submission, this Court would grant liberty to the petitioner to avail the remedy of appeal before the Commissioner within four weeks.

The petitioner as well as private respondent No 7 would appear before the Appellate Authority on or before 30th of September, 2019 so as to facilitate adjudication of dispute by respondent No 8, on merits.

Matter stands disposed of in the aforesaid terms.

(Madhuresh Prasad, J)

M.E.H./-

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