

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5395 of 2018

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Over Seer Ray Son of Kapildev Ray Resident of Village-Rajpur, P.S.
Phulwaria, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Chapra, Bihar.
5. The District Magistrate, Gopalganj, Bihar.
6. The District Education Officer, Gopalganj, District- Gopalganj, Bihar.
7. The District Programme Officer Establishment, Gopalganj, District Gopalganj, Bihar.
8. The Block Education Officer, Block- Bhore, District- Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrigank Mauli
For the Respondent/s : Smt. Shilpa Singh- Ga12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 27-06-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Petitioner is aggrieved by the order of Regional
Deputy Director, Saran Division, Chapra contained in
Annexure-9 dated 15.3.2018.

Learned counsel for the petitioner would submit that
the Regional Deputy Director, Saran Division, Chapra being the
Appellate Authority by exercising power deprived the petitioner
in exercising the right to appeal and as such the order passed by



the Appellate Authority contained in Annexure-9 cannot sustain.

This court noticing the aforesaid submission vide order dated 27.3.2018 has directed the respondents that Annexure-P/9 shall not be given effect to until further orders.

The respondents have not filed any counter affidavit.

In view of the principle laid down by the Apex Court in the case of **State of U.P. verses Smt. Naseem Bano reported in AIR 1993 SC 2592** the Court is constrained to allow the writ petition on account of the fact that the averments made in the writ petition has not been confronted by the respondents by filing counter affidavit.

Accordingly, the writ petition is allowed.

Annexure-9 is quashed.

(Anil Kumar Upadhyay, J)

Ravi/-

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