

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6573 of 2016

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1. Notre Dame Academy, Munger, PS Kasim Bazar, PO & District Munger, Bihar through its Secretary Sr. Neeta S.N.D., resident of Notre Dame Convent, Pepal Panthi Rd. P.S. Kasim Bazar, Munger, District, Munger.
 2. Principal, Notre Dame Academy, Munger, Sr. Anjana S.N.D., resident of Notre Dame Convent, P.S. Kasim Bazar, Munger, District Munger, Bihar.
 3. President, Education Board, Managing Committee, Notre Dame Academy, Patliputra Colony, Sr. Mary Beena S.N.D., resident of Notre Dame Convent Patliputra P.S. Patliputra Colony, District Patna, Bihar.
 4. The Secretary, Education Board, Managing Committee, Notre Dame Academy, Patliputra, Sr. Nishkalnaka S.N.D. resident of Notre Dame Convent Patliputra P.S. Patliputra Colony, P.O. and District Patna, Bihar.

... .. Petitioner/s

Versus

1. Md. Zahid Hussain Son of Late MD. Hazur Hussain, then resident of Mohalla Sadipur near Ice Factory, P.S. Kotwali, P.O. and District Munger, Bihar, residing at present at C/o MD. Sarfaraj Alam Alias Lal, Gali No.2 Hazaratganj, Khankah, P.S. Kasim Bazar, P.O. and District Munger, Bihar.
2. The State Of Bihar through the Principal Secretary, Department of Human Resources Development, Govt of Bihar, Patna
3. Presiding Officer, District Appellant Authority Munger, District Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh Mr. K.M.Joseph
For Respondent No.1	:	Mr. Ashutosh Ranjan Pandey Miss Sweta
For the State	:	Mr. Manoj Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

17 29-03-2019 Mr. Sanjay Singh, learned counsel representing the

petitioners submits that he has a forum available in the nature of



appellate authority and as such he may be allowed to approach the appellate forum as otherwise he may lose his right to appeal and seeks permission to withdraw this writ petition.

Considering the aforesaid, permission is granted to withdraw this application in order to approach the appellate forum. However, withdrawal of the present application will not debar the respondents to withdraw the amount deposited with the Registrar of Patna High Court by the petitioners. However, that withdrawal of the amount would be subject to the condition that respondents have to furnish co-lateral security before the Registrar.

Considering the fact that the matter is old one and it has travelled up to the Supreme Court and thereafter the Tribunal has decided the lis which is subject matter of the present proceeding in the fitness of things, in the event appeal is filed, the appellate authority is required to decide the appeal on priority basis and decide the appeal at the earliest, preferably within a maximum period of six months from the date of its filing.

It goes without saying that present writ application filed by the petitioners has not been examined by this Court on its merit and the petitioners have prayed for withdrawal of this



application in order to approach the appellate authority.

(Anil Kumar Upadhyay, J)

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