

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3540 of 2012

SUNITA KUMARI WIFE OF SATYA NARAYAN PRASAD RESIDENT OF
VILLAGE- DINDAYALPUR, POLICE STATION- SHAHKUND,
DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE DIRECTOR, DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, GOVT. OF BIHAR, PATNA
3. THE DISTRICT MAGISTRATE, BHAGALPUR
4. THE DISTRICT SUPERINTENDENT OF EDUCATION, BHAGALPUR
5. THE MEMBER, DISTRICT TEACHER EMPLOYMENT APPELLATE TRIBUNAL, BHAGALPUR
6. THE BLOCK DEVELOPMENT OFFICER, SHAHKUD BLOCK, POLICE STATION - SHAHKUND, DISTRICT- BHAGALPUR
7. THE BLOCK EDUCATION EXTENSION OFFICER, SHAHKUND BLOCK, POLICE STATION - SHAHKUND, DISTRICT - BHAGALPUR
8. THE PANCHAYAT SACHIV, JAGARIA GRAM PANCHAYAT, SHAHKUND BLOCK, POLICE STATION- SHAHKUND, DISTRICT- BHAGALPUR
9. THE MUKHIYA, JAGARIA GRAM PANCHAYAT, SHAHKUND BLOCK, DISTRICT- BHAGALPUR
10. MANJIT KUMAR SON OF LATE KABIR DAS RESIDENT OF VILLAGE- PANSALLA (KUSMAHA) POLICE STATION- AMARPUR, DISTRICT- BANKA
11. USHA DEVI WIFE OF RAKESH KUMAR SINGH RESIDENT OF VILLAGE- MOTHABARI, POLICE STATION- SULTANGANJ, DISTRICT BHAGALPUR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
For the Respondent/s : Mr. Prashant Pratap, (GP-6)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

15 07-01-2019

In view of the fact that the State Appellate Authority is now functional, the writ petition is disposed of with liberty to the petitioner to approach the State Appellate Authority. In case an appeal is filed before the State Appellate Authority within a period of one month from today along with a copy of this order, the State Appellate Authority shall decide the appeal of the petitioner on merits without being impeded by the issue of limitation.

However, it must be pointed out that this Court had, by an order dated 30.11.2018, formulated an issue for



consideration to the effect that the impugned order dated 15.12.2011 has been passed by the District Teachers Employment Tribunal, Bhagalpur without hearing the petitioner herein.

The learned counsel for the respondents has produced the order sheet of the learned Tribunal and upon perusal of the order dated 11.11.2011, it transpires that the petitioner was present before the Tribunal and after hearing the respective parties, the learned Tribunal had reserved the order.

Since this Court had granted stay of the impugned order dated 15.12.2011 passed by the learned Tribunal in Appeal No. 10 of 2011, this Court directs that till passing of the final order by the learned Tribunal, the Stay would continue. However, in case no appeal is filed within a period of two weeks from today, the stay would stand revoked automatically.

The writ petition stands disposed of as withdrawn with the aforesaid liberty and directions.

(Mohit Kumar Shah, J)

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