

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.351 of 2019

In
Civil Writ Jurisdiction Case No.11145 of 2018

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1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
 2. The District Education Officer, Nalanda at Biharsharif.
 3. The District Programme Officer, Establishment, Office of D.E.O. Nalanda at Biharsharif.
 4. The Block Education Officer, Tharthari Block, District- Nalanda.

... .. Appellant/s

Versus

1. Rashmi Kumari, Wife of Sri Shailendra Kumar, Resident of Village- Mushahari, P.O.- Bhubhi, P.S.- Nagarnausa, District- Nalanda.
2. The Gram Panchayat Raj Narayanpur (through its Panchayat Secretary Block Tharthari, District- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Sri Krishna Ranjan, AC to GP-17
For Respondent No.1 : Mr. Shyama Kant Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

and

HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

Date : 28-01-2020

Heard Sri Krishana Ranjan, learned counsel for the appellants and Mr. Shyama Kant Singh, learned counsel for the Respondent No.1.



Interlocutory Application No. 2 of 2019.

The above mentioned Interlocutory Application has been filed with a prayer for condonation of delay of 143 days in filing the present appeal.

Considering the grounds taken in the Interlocutory Application suggesting sufficient reason for not filing the appeal in time by the appellant, delay of 143 days in filing the present appeal is condoned.

Accordingly, Interlocutory Application No.2 of 2019 stands disposed of.

Interlocutory Application No. 1 of 2019.

The above mentioned Interlocutory Application has been filed for staying the operation of the impugned order dated 12.09.2018 passed in CWJC No.11145 of 2018.

Since we are considering the appeal on merits, we are not inclined to consider the Interlocutory Application for passing any interim order.

Accordingly, Interlocutory Application No.1 of 2019 stands disposed of.

Re. Letters Patent Appeal No. 351 of 2019.

The present appeal has been preferred against the order dated 12.09.2018, passed in CWJC No.11145 of 2018,



whereby, Respondent No.2, the District Education Officer, Nalanda was directed to pay the admitted amount of salary as per the order dated 23.02.2016 passed by the District Teachers Employment Appellate Authority, Nalanda within a period of four weeks from the date of passing of the order.

Learned counsel for the appellants, on the basis of supplementary affidavit filed on behalf of the appellants, submits that the order dated 23.02.2016, passed by the District Teacher Employment Appellate Authority, Nalanda was challenged by the State of Bihar before the State Teachers Employment Appellate Authority in Appeal No. 677 of 2018 and the said appeal has been dismissed vide order dated 22.02.2019, directing the appellant State of Bihar to make payment of salary to Respondent No.1, Rashmi Kumari. It is further submitted that required payments have already made by the Respondent No.2, the District Education Officer, Nalanda at Biharsharif and this fact has not been controverted by the learned counsel appearing on behalf of the respondent No.1.

In the circumstances, the present appeal has now become infructuous.

Accordingly, the instant appeal stands disposed of with liberty to the appellants to challenge the order of the State



Teachers Employment Appellate Authority, if so advised, in
accordance with law.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	04.03.2020
Uploading Date	NA
Transmission Date	NA

