

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10505 of 2019**

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Md. Raquibul Haque S/o Md. Safiul Haque, R/o Village-Mathurapur, P.S.-  
Abadpur, District-Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The State Appellate Authority, Education Department, Bihar through its Secretary, Niyogan Bhawan, Bailey Road, Patna
4. The Member, District Appellate Authority, Katihar
5. The District Education Officer, Katihar
6. The District Programme Officer (Estt), Katihar
7. The Block Development Officer Block-Barsoi, District-Katihar
8. The Mukhiya, Gram Panchayat Raj, Shivanandan, Block-Barsoi, District-Katihar
9. The Panchayat Secretary, Gram Panchayat Raj, Shivanandan, Block-Barsoi, District-Katihar
10. San Mohammad S/o Late Qamruddin R/o Vill-Jatahar, P.O.-Shivanandpur, P.S. Abadpur, District-Katihar

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Rajeev Kumar Singh  
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

3      29-01-2020                      Heard both sides.

Petitioner has filed this writ petition for quashing order dated 06.03.2019 passed by the learned Chairperson, State Appellate Authority in Appeal No.533 of 2017 by which the learned Chairperson remitted the matter to the District Appellate Authority, Katihar after setting aside the order dated 05.02.2013 passed in Appeal No.13 of 2008.



Mr. Rajeev Kumar Singh, learned counsel for the petitioner submits that the petitioner was selected but no appointment letter was issued. The petitioner being aggrieved by the inaction of the employment unit filed Appeal No.13 of 2008 before the District Appellate Authority. The District Appellate Authority vide order dated 04.06.2009 directed the Mukhiya/Secretary, Gram Panchyat Raj, Shivnandan, Block Barsoi, District Katihar to issue appointment letter in favour of Md. Raquibul Haque (petitioner) but the employment unit did not obey the order of the District Appellate Authority. The petitioner again filed C.W.J.C. No.3951 of 2010 and a Bench of this court by order dated 23.08.2010 directed the authority to implement the order of the Tribunal without any delay. Consequently the petitioner was appointed. The private respondent no.10, namely, San Mohammad being aggrieved by the order of the District Appellate Authority who passed the order dated 04.06.2009 in Appeal No.13 of 2008 directing the employment unit to issue appointment letter in favour of petitioner filed C.W.J.C. No.17350 of 2010 and a Bench of this court by order dated 12.05.2011 set aside the order passed in Appeal No.13 of 2008 with a direction to the District Appellate Authority, Katihar to pass order afresh in accordance with law.



On remand, the District Appellate Authority passed the order on 05.02.2013 and dismissed the appeal. Against that order, respondent no.10 preferred appeal before the State Appellate Authority being Appeal No.533 of 2017 and the learned Chairperson, State Appellate Authority set aside the order holding that District Appellate Authority without giving any cogent reason dismissed the appeal of respondent no.10 and accordingly remitted the case to the District Appellate Authority to pass order afresh after hearing both sides.

Since the matter has been remitted with a direction to the District Appellate Authority to pass order afresh after hearing both sides, I do not find any illegality in the impugned order. Accordingly, this writ petition is dismissed. The District Appellate Authority, Katihar is directed to dispose of the appeal within three months from the date of receipt of this order, without being prejudiced from the order.

**(Prabhat Kumar Jha, J)**

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