

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.52 of 2020

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Hari Prasad Sharma, Son of Late Sattan Prasad Sharma, Resident of Village-
Chharra Patti, P.O. Sahu Parbatta, P.S. Parbatta, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Department, Government of Bihar, Patna.
2. Chairperson, State Appellate Authority, Department of Education, Bihar, Patna.
3. Member, District Appellate Authority, Department of Education, Bihar, Bhagalpur.
4. District Education Officer, Bhagalpur.
5. District Education Officer, Munger.
6. Block Development Officer, Block-Ismailpur, District-Bhagalpur.
7. Panchayat Secretary, Gram Panchayat, Parbatta, Block-Ismailpur, District-Bhagalpur.
8. Mukhiya, Gram Panchayat Parbatta, Block-Ismailpur, District-Bhagalpur.
9. Dayanand Sharma, Son of Late Prabhu Mandal, Resident of Village-Parbatta, P.S. Ismailpur, District-Bhagalpur. at present posted as Panchayat Teacher, Primary School, Binobha, Gram Panchayat Parbatta, Block-Ismailpur, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajan Ghoshrave
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-01-2020 Heard both sides.

The petitioner filed this writ petition for quashing the appointment of respondent no.9, Dayanand Sharma from the post of panchayat teacher on the ground that Dayanand Sharma got less marks than the petitioner.

Learned counsel for the petitioner submits that



pursuant to an advertisement issued in the year 2008 for appointment of panchayat teachers, the appointment was made in the year 2011 but the petitioner could not file appeal against the appointment of respondent no.9 before the District Appellate Authority. The petitioner came to this court in CWJC No.7755 of 2016 and this court was pleased to dispose of the writ petition by order dated 10.04.2018 with liberty to the petitioner to approach the State Appellate Authority. The petitioner approached the State Appellate Authority but the State Appellate Authority dismissed the appeal of the petitioner on the ground that the State Appellate Authority is not vested with the powers to hear and decide the appeal against the order of employment unit. There is provision under Rule 14 of the Bihar State School Teachers and Employees (Dispute Redressal), 2015 that if a person is aggrieved by any order of appointment issued by the employment unit, the aggrieved person may move before the District Appellate Authority within thirty days. The petitioner did not file any petition against the appointment of respondent no.9. The petitioner straightway filed CWJC No.7755 of 2016 and the same was disposed of with liberty to pursue the matter before the State Appellate Authority. The State Appellate Authority also disposed of the matter with liberty to the



petitioner to approach the District Appellate Authority, Bhagalpur and thereafter the petitioner filed Appeal Case No.34 of 2018 before the District Appellate Authority. The District Appellate Authority by order dated 14.11.2019 suggested the petitioner to move before this court for proper modification of order dated 10.04.2018 or for direction to the District Appellate Authority to hear the case of the petitioner.

On the face of it, it appears that it is not the business of the District Appellate Authority to give any suggestion. The District Appellate Authority is bound under the Act to decide the case, which is filed by any person being aggrieved by the order issued by the employment unit on merit. Accordingly, I direct the District Appellate Authority, Bhagalpur to hear the case of the petitioner and decide the same on merit as well as on the point of delay as the petitioner moved this court only after eight years.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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