

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4278 of 2018
Arising out of
Civil Writ Jurisdiction Case No. 6712 of 2015

Kumari Neelam W/o Sri Shatrughan Chandra Sidharth, D/o Shiv Nandan Ram, R/o Village Baruna, P.O.-Chorwar, P.S.-Ariyari, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Sheikhpura.
5. The District Education Officer, Sheikhpura.
6. The District Programme Officer, Sheikhpura.
7. The Block Development Officer, Ariyari Block, Sheikhpura.
8. The Education officer, Ariyari Sheikhpura.
9. The Mukhiya Baruna Gram Panchayat, R/o Village- Baruna, P.O.-Chorwar, P.S.-Ariyari, District-Sheikhpura.
10. The Panchayat Sachiv, R/o Village-Baruna, P.O.-Chorwar, P.S.-Ariyari, District-Sheikhpura.
11. The Headmaster, Upgraded Middle School, Baruna, R/O Village-Baruna, P.O.-Chorwar, P.S.-Ariyari, District-Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Tiwary, Advocate
For the State	:	Mr. Vinay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 07-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Shashi Shekhar Tiwary, learned counsel for the petitioner and Mr. Vinay Kumar Mishra, learned counsel for the State.

3. The present application has been filed seeking



modification of order dated 14.09.2017 passed in CWJC No. 6712 of 2015.

4. Learned counsel for the petitioner submitted that by the said order, the writ petition was disposed off with liberty to the petitioner to move before the District Teachers Employment Appellate Authority, Sheikhpura (hereinafter referred to as the 'District Authority') within four weeks from the date of the order and the same was directed to be considered and disposed off on merits within the statutory period.

5. Learned counsel for the petitioner submitted that due to various personal problems faced by the petitioner and also lack of proper communication with her counsel, the same could not be done; both within time as also before the forum, as indicated in the order of the Court. Learned counsel submitted that instead of filing it before the District Authority, the same was filed before the State Appellate Authority, Bihar at Patna on 09.11.2017, but it was not accepted and realising the mistake, the petitioner had filed an appeal before the District Authority on 21.11.2017. It was submitted that the District Authority refused to proceed due to which the petitioner had earlier moved in MJC No. 395 of 2018 which was disposed off as withdrawn on 27.09.2018 with liberty to file a fresh petition. Learned



counsel submitted that in terms thereof, the present petition has been filed.

6. Learned counsel for the petitioner submitted that she has not received salary for 29 months and has a good case on merits and the Court had also given her liberty to move before the District Authority, but due to unfortunate circumstances, the same could not be done and, thus, the Court may extend the time granted to the petitioner for moving before the District Authority.

7. Learned counsel for the State submitted that the petitioner was required to be vigilant.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that sufficient cause has been shown by the petitioner for not having filed the appeal before the District Authority within the time granted.

9. Accordingly, the petition is allowed. Order dated 14.09.2017 passed in CWJC No. 6712 of 2015 stands modified to the extent that the time granted to the petitioner for filing of the appeal before the District Authority stands extended by four weeks from today. Upon the same being done, the District Authority shall dispose off the appeal in terms of the direction



given by the Court in order dated 14.09.2017 passed in CWJC
No. 6712 of 2015, on merit, in accordance with law.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

