

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5120 of 2020

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Mrs. July Kumari Daughter of Chandra Shekhar Prasad @ Lodhan Prasad
Resident of Village- Yogiya, P.S.- Parwalpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The District Appellate Authority Nalanda.
3. The Principal Secretary Human Resources Department, Government of Bihar, Patna.
4. The Director Primary Education, Bihar, Patna.
5. The District Magistrate Nalanda.
6. The District Education Officer Nalanda at Bihar Sharif.
7. The District Programme Officer Nalanda.
8. The Block Development Officer Parwalpur, Nalanda.
9. The Mukhiya Pilich Gram Panchayat under Parwalpur Block, District- Nalanda.
10. The Panchayat Secretary Pilich Gram Panchayat, Parwalpur Block, Nalanda.
11. Sri Arun Kumar Son of Mithunendra Narayan Resident of Village Tara Bigha, P.O.- Shankar Dih, P.S. Parwalpur, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Adv.
For the Respondent/s : Smt.Binita Singh (Sc28)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 28-11-2022 The petitioner has assailed the order passed by the District Appellate Authority, Nalanda dated 28.12.2019. Against the said order, statutory appeal lies before the State Appellate Authority.

Learned counsel for the petitioner submits that since the order was passed in compliance of the remand order passed



earlier by the State Appellate Authority. It would be appropriate for the Court to hear the matter.

In the opinion of this court, considering the provisions of the Rules of 2020, since the statutory forum has been formed for hearing an appeal against the order passed by the District Appellate Authority namely State Appellate Authority, the Court would not exercise its powers under Article 227 at the stage. Leaving it available for the petitioner to prefer an appeal before the State Appellate Authority. More so, as the scope of appeal is much wider than that of writ jurisdiction under Article 227.

Granting liberty, the writ petition is dismissed. If an appeal is preferred, the same shall be examined on merit expeditiously.

(Sanjeev Prakash Sharma, J)

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