

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3919 of 2022

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Bimlesh Kumar son of Sri Rameshwar Prasad resident of Village Amatihya
Machargaon, P.S. Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource,
Government of Bihar, Patna.
2. The Director Primary Education, Bihar, Patna.
3. The District Magistrate, West Champaran.
4. The District Education Officer, West Champaran.
5. The District Programme Officer, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Respondent/s : Mr.Hitesh Suman, AC to SC-13

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 22-03-2022 Heard the parties.

Learned counsel for the petitioner submits
that the case is not covered with the judgment dated
23.02.2022, passed in **C.W.J.C. No. 5489 of 2020**
(Suresh Ram Vs. The State of Bihar & Ors.) on the
ground that it relates to a judgment of Hon'ble
Supreme Court passed in a case of others and claims
the similar benefit. In **Suresh Ram Vs. the State of**
Bihar & Ors. case, this Court has held as under:-

“13. Having reached to the
aforesaid conclusion, this Court directs that
all the matters concerning teachers pending



before this Court deserve to be first adjudicated on merits and on facts by the concerned relevant District Appellate authority. If still there is any grievance left, the concerned person would be entitled to take up the matter before the State Appellate Authority and this Court need not deal with such matters at the Patna High Court CWJC No.5489 of 2020 dt.23-02-2022 16/17 initial stage.

14. Having stated so, the learned counsel have informed that on account of Pandemic for the last two years, the State Government has not taken any steps for forming District Appellate Authority and the District Appellate Authorities are non-functional in several districts.

15. Accordingly, it is directed that the writ petition and similarly situated other writ petitions are required disposed of in terms as aforesaid with liberty to approach the District Appellate Authority. The petitioner would be free to obtain a certified copy of the present petition and the counter



affidavit if any filed by the respective State counsel to be made as part of the pleadings and file an application before the District Appellate Authority, who would be entitled to call for the records from the respective schools/ establishment/ college etc. and after hearing the parties pass a speaking order expeditiously.

16. Learned counsel appearing for the State shall also inform the Chief Secretary and Secretary of Education about the present order and it is directed that the Chief Secretary and the Secretary, Education Department shall take immediate steps for the respective District Appellate Authorities to start their function. The necessary staffs and members shall be Patna High Court CWJC No.5489 of 2020 dt.23-02-2022 17/17 appointed as early as possible not later than a period of one month from today. Necessary directions for their functioning shall also be passed accordingly.”



Keeping in view thereof, the contention of the petitioner's counsel is not acceptable and the authorities can always take into consideration, the judgment, passed by this Court as well as the Hon'ble Supreme Court and decide the case expeditiously as directions have already been given to decide the matter preferably within a period of three months. The petitioner's case would also be decided accordingly by the concerned authority.

Accordingly, the writ petition is disposed of in terms of Suresh Ram.

(Sanjeev Prakash Sharma, J)

pravinkumar/-

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