

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9361 of 2021

Vinod Kumar Jha S/o- Mr. Kameshwar Jha resident of Bhowara, Braman Tola, Post- Bhowara, Dist.- Madhubani, Bihar, PIN- 847212 presently resident of Rama Vihar, House no- A/14/01, Mohammadpur Majari, North-West Delhi, Delhi- 110081.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, New Secretariat, Patna, Bihar.
2. The Principal Secretary, Human Resources Department, New Secretariat, Patna, Bihar.
3. The Director, Primary Education, New Secretariat, Patna, Bihar.
4. The District Magistrate, Madhubani, Patna, Bihar.
5. The District Education Officer, Madhubani, Bihar.
6. The Block Development Officer cum Secretary Block Teachers Employment Unit, Block- Basopatty, Dist- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Jha, Adv.
For the Respondent/s : Mr. Kumar Priya Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 29-03-2022 Heard the parties.

Taking into consideration the nature of termination order dated 1.10.2020 and the provisions as examined in the case of **C.W.J.C. No. 5489 of 2020 (Suresh Ram Vs. The State of Bihar & Ors.)** the case of the petitioner is covered by the said Judgment which is 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 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 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.”

Accordingly, the writ petition is disposed of with the above terms.

If an appeal is preferred before the District Appellate Authority/ State Appellate Authority, the same shall be taken up at the earliest and preferably decided within a period of three months.

(Sanjeev Prakash Sharma, J)

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