

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6036 of 2022

Md. Usman, Son of Md. Yasin, Presently posted as Panchayat Teacher at Sukhashan, P.S. Barari, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Department, New Secretariat, Patna.
2. The District Teacher Employment Authority, Katihar.
3. The District Magistrate, Katihar, Bihar.
4. District Education Officer, Katihar.
5. District Programme Officer, Establishment (Education), Katihar.
6. Block Development Officer, Barari Block, Katihar.
7. Block Education Extension Barari Barari, Katihar.
8. Mukhiya, Gram Panchayat Raj, Sukhashan, Barari Block, Katihar.
9. Panchayat Secretary, Gram Panchayat Raj Sukhashan, Barari Block, Katihar.
10. Vijay Kumar Singh, Son of Sikandar Singh, Gram Panchayat Sukhashan, Ward No. -15, P.S. - Barari, District - Katihar.
11. Bimal Kumar, Son of Suresh Prasad, Resident of Village - Maya Tola, Deharia Block, Katihar.
12. Ramakant Jha, Son of Hemant Jha, Resident of Railway New Colony, Qr. No. - 457/A, Katihar, P.S. - Katihar, District - Katihar.
13. Azizur Rahman, Son of Abdul Hamid, Resident of Village - Dumaria, P.S. Barari, District - Katihar.
14. Shamim Akhtar, Son of Md. Mustafa, Resident of Village - Islampur, P.S. - Barari, District - Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Awadhesh Kumar Mishra with Mr. Biswok Sen Mishra, Adv.
For the State	:	Mr. Jai Prabhat Kishore, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 07-07-2022

1. Heard the parties.

2. This writ petition can be disposed of at this stage as the only prayer made by the learned counsel for the petitioner is to modify the order passed by the State Appellate Authority to the

extent the order passed by the B.D.O. dated 13th July, 2007, ought not come in way for the District Appellate Authority to decide the case one way or the other.

3. Learned counsel submits that the order dated 13.07.2007, passed by the B.D.O. is a subsequent to order which if allowed to be treated as a direction to be complied with, the very purpose of remand to the District Appellate Authority would be frustrated.

4. I have considered the submission, the order dated 13th July, 2007, passed by the B.D.O. was to draw the fresh merit list. The same is an issue which is required to be examined by the District Appellate Authority.

5. Keeping in view thereof, the order passed by the State Appellate Authority remanding the matter to District Appellate Authority with direction to decide the issue involved by after hearing the contesting parties, if upheld.

6. However, it is made clear that the order of the B.D.O. dated 13th July, 2007 will not come in way in the District Appellate Authority while adjudicating the issue.

7. The writ petition is disposed of accordingly.

(Sanjeev Prakash Sharma, J)

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