

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12862 of 2019

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Md. Shahzad Alam son of Md. Saleemuddin Resident of Village- Raharia,
P.O. Bagdahra, P.S. Jokihat, District- Araria. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Araria, District- Araria.
5. The District Education Officer, Araria, District- Araria.
6. The District Program Officer (Establishment), Araria, District- Araria.
7. The District Teacher Employment Appellate Authority, Araria, through the Member.
8. The Block Development Officer, Jokihat, District- Araria.
9. The Mukhiya, Gram Panchayat Raj, Gairki Masuriya, Block and P.S. Jokihat, District- Araria.
10. The Panchayat Secretary, Gram Panchayat Raj, Gairki Masuriya, Block and P.S. Jokihat, District- Araria.
11. Md. Arshad Jamil son of Safiruddin Resident of Village and P.O. Gairki, P.S. Jokihat, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K.Mangalam, Adv.
For the Respondent/s : Mr. Prabhakar Jha (Gp27)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

3 22-11-2022

1. Heard the parties.

2. Learned counsel for the petitioner states that on 02.11.2018 the State Appellate Authority had called for the record of the case from District Appellate Authority, Araria. Learned counsel submits that after 02.11.2018 there was no hearing conducted and therefore the order which was passed by the State Appellate Authority dated 02.05.2019 is without giving



hearing to the petitioners, who were the appellants before the State Appellate Authority.

3. I have considered the submissions.

4. In this regard, it is interesting to note the averments made by the petitioner in his writ petition as under:-

Para-47:- That, after hearing the parties, the learned Chairperson of the State Appellate Authority vide his impugned judgment and order dated 02.05.2019 has been pleased to dismiss the appeal filed by the petitioner and has directed the learned District Appellate Authority to get his order implemented within a period of 30 days from the date of receipt/production of a copy of the order.

Para-48:- That, at this juncture, it is also relevant to state that during the course of argument when an issue was raised that if no complaint was filed in terms with the provisions contained under Rule-18 of 2006 Rules, the District Teacher Appellate Authority had no jurisdiction to entertain the appeal against the appointment made on 14.01.2007, the processes for which had already begun in 2006, the learned Chairperson vide his order dated 02.11.2018 was pleased to call for original records of Case No.81 of 2009 from the District Appellate Authority, Araria and after receipt of the record, the matter was never heard.

5. Thus, it is apparent that while the petitioner asserts that after hearing the parties, the State Appellate Authority has been pleased to dismiss the appeal. in para-48 he states that after receipt of the record the matter was never heard. In fact, from perusal of subsequent paragraphs, it appears to be a



grounds of the petitioner that they were not given opportunity to inspect the record and argue the case on the basis of record. Whereas it is also an admitted fact that in the order passed by the State Appellate Authority the facts mentioned in the record have been noticed and the State Appellate Authority has passed a detailed judgment taking into consideration all the relevant facts. No other argument has been raised with regard to the legality of the order passed by the State Appellate Authority.

6. In the opinion of this Court, order sheets of a judicial authority, has to be accepted as it is in the order passed by the State Appellate Authority, appearance of counsels have been shown on behalf of all the contesting appellants as well as respondents. There is no challenge to that aspect by the petitioner, who agrees that the order was passed after hearing the parties as noticed above.

7. Keeping in view thereto, no interference is warranted.

8. The writ petition is devoid of merit and is accordingly dismissed.

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Item no.120

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(Sanjeev Prakash Sharma, J)

