

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1825 of 2022

In
Civil Writ Jurisdiction Case No.19375 of 2011

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Sri Kapildeo Malakar, (M), aged about 56 years, S/o Late Adhik Lal Malakar,
At and Post Office - Bela Simari, P.S. - Khagaria, District - Khagaria.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Deputy Director, Secondary Education, Government of Bihar, Patna.
5. The District Education Officer, Khagaria.
6. The Director (Educational) Bihar School Examination Board (Higher Secondary) Budh Marg, Patna.
7. The Chairman, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.
8. The Secretary Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.
9. The President, Mahanth Sukhdeo Das High School Bishanpur Ghusmari, Police Station and District - Khagaria.
10. Kabir Sah @ Kabir Das, the Secretary, Mahanath Sukhdeo Das High School Bishanpur Ghusmari, Police Station and District - Khagaria, Son of Rameshwar Sah, resident of village - Bishanpur, Post Office - Ghusmari, Police Station and District - Khagaria.
11. Abhyas Mandal, the Vice Principal of Mahanth Sukhdeo Das High School, Bishanpur Ghusmari, Police Station and District - Khagaria, Son of Parmanand Mandal, resident of village and Post Officer - Jahagira, Police - Station and District - Khagaria.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ranjan Kumar Singh, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, A.A.G. 13, Mr. Rajat Kumar Tiwari, A.C. to A.A.G. 13 and Mr. Rana Veer Prawar, A.C. to A.A.G. 13.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and learned
counsel for the State.



The present application has been filed for modification of the order dated 23.08.2017, passed in C.W.J.C. No. 19375 of 2011, by which the writ petition was disposed of with liberty to the petitioner to prefer an appeal before the District Appellate Authority, Khagaria, against the order dated 18.06.2011, passed by the District Education Officer, Khagaria and the Director, Higher Secondary Education, Bihar, Patna, in June, 2009 within a period of thirty days from the date of the order i.e., 23.08.2017.

Learned counsel for the petitioner submits that due to inadvertent mistake, in paragraph no. 3 of the said order dated 23.08.2017, passed in C.W.J.C. No. 19375 of 2011, it has wrongly been typed as 'District Appellate Authority, Samastipur, in place of 'District Appellate Authority, Khagaria'. Learned counsel for the petitioner further submits that the petitioner has preferred Civil Review No. 62/2018 for review of the order dated 23.08.2017, passed in C.W.J.C. No. 19375 of 2011, but the same was dismissed as withdrawn on 21.03.2018 with liberty to file modification application. Hence, the present modification application has been preferred. Learned counsel for the petitioner also prays for further thirty days time to prefer an appeal before the District Appellate Authority, Khagaria.



Considering the grounds mentioned in the modification application, let in paragraph no. 3 of the order dated 23.08.2017, passed in C.W.J.C. No. 19375 of 2011, it should be read as 'District Appellate Authority, Khagaria' in place of 'District Appellate Authority, Samastipur' and the petitioner is granted further thirty days time to prefer an appeal before the District Appellate Authority, Khagaria, from today, which shall be disposed of in accordance with law within the statutory period.

Accordingly, the order dated 23.08.2017, passed in C.W.J.C. No. 19375 of 2011, stands modified to the extent as indicated above.

(Sudhir Singh, J)

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