

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.336 of 2023

In

Civil Writ Jurisdiction Case No.3871 of 2022

Urmila Kumari Daughter of Shiv Prasad, Resident of Mohalla Phase I,
Ashiyana Nagar, P.S.-Rajeev Nagar, District-Patna.

... .. Appellant/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 Regional Education Department Director, Patna Division, Patna.
4. The Regional Education Deputy Director, Patna Division, Patna.
5. The District Programme Officer (Establishment) Patna-cum-Inquiry Officer, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate
Ms. Neeta Nancy Quadros, Advocate
Mr. Vikash Kumar Jha, Advocate
For the Respondent/s : Mrs. Shilpa Singh (GA-12)
Mr. Apurva Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-08-2023

Heard learned counsel for the parties.

2. In the impugned judgment, the learned Single Judge has directed the teachers, who are the appellants herein, to approach the District Appellate Authority/State Appellate Authority (for brevity, *the Authority*) to get their grievance redressed in view of the judgment dated 23.02.2022 passed in C.W.J.C. No. 5489 of 2020 (Suresh Ram vs. State of Bihar and



Ors.) and C.W.J.C No. 34 of 2022 (Minakshi @ Sushree Minakshi & Anr. Vrs. The State of Bihar & Ors.). However, the relied on decisions were appealed against and by order dated 18.01.2023 passed in L.P.A. No. 255 of 2022, a Division Bench of this Court found that it was not proper for the learned Single Judge to have conferred jurisdiction on the Authority, when it was non-existent. Hence, writ petition was directed to be considered afresh.

3. In this case also, similar course has to be followed. Following the Division Bench judgment, we set aside the impugned order without making any observation on merit and restore the matter to be heard afresh before the learned Single Judge.

4. This appeal is allowed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	31.08.2023.
Transmission Date	

