

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15839 of 2015

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Tarannum Jeva wife of Md. Gaffar Alam Resident of Village- Gosaitola, P.O. Tulsibari, P.S. and District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. Director Primary Education, Govt. of Bihar, Patna.
4. Block Development Officer, Murliganj, P.S. Murliganj, District- Madhepura.
5. Mukhiya Gram Panchayat, Dinapatti Sakhua, P.S. Murliganj, District- Madhepura.
6. Panchayat Secretary, Gram Panchayat Dinapatti Sakhua, P.S. Murliganj, District Madhepura.
7. District Education -cum- Programme Officer, Establishment, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s :

For the State : Ms. Vijaya Laxmi Srivastava, AC to SC 23

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 23-02-2023 The petitioner has filed this writ petition assailing the order dated 25.03.2015 passed by the District Employment Appellate Authority, whereby her appeal was dismissed in default on account of her absence.

2. The petitioner submits that she was always attending the court but on account of her ailment, she could not appear on the concerned date and the appellate authority dismissed her appeal without waiting for calling for the records from the Panchayat Secretary, although the record had already been summoned earlier and, therefore, she has preferred this writ



petition. The District Appellate Authority is found responsible for redressal of the grievances of the teachers vide notification dated 25.8.2008, thereafter again the Bihar State School Teachers and Employees Dispute Redressal Rules, 2013 was brought into force, whereby the same powers were given to the appellate authority as vested in the civil court for summoning and ensuring attendance of the persons and to record oral and written evidence on oath and to produce the documents. The said power in CPC is provided under Order 9. Thus, in terms of Order 9, Rule 7, the authority has power of dismissing in default and the authority would also have power under Order 9, Rule 13 of the CPC to hear an application for restoration.

4. In view thereof, the order passed by the District Appellate Authority can be recalled and if an appropriate application is moved for restoration, remedy lying in CPC; leaving it open for the petitioner to move an appropriate application as above, which would be heard on merits by the concerned District Appellate Authority. The writ petition is disposed of.

(Sanjeev Prakash Sharma, J)

Chn/-
Item No.39

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