

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.286 of 2022

In
Civil Writ Jurisdiction Case No.9554 of 2020

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1. Gyan Kumar Singh Son of Chandeshwar Prasad Singh Resident of House No. C18, Road No. 7, Near Jeevak Heart Hospital, Kankarbagh, P.S.- Patrakar Nagar, District - Patna, Bihar - 800020.
 2. Neeraj Kumar, Son of Late Anil Kumar Resident of Purani Jakanpur Devi Asthan, P.S. - Jakanpur, District- Patna, Bihar - 800001.
 3. Anand Kumar Sah, Son of Etavari Saw Resident of Mirjapur, Collage Road, P.S.- Fatwah, District - Patna, Bihar - 803201.
 4. Sunil Kumar, Son of Late Sudeshwar Prasad Verma Resident of New Purandarpur, P.S. - Jakanpur, P.O. G.P.O., District - Patna, Bihar - 800001.
 5. Arun Kumar Singh, Son of Govind Singh Resident of Aadarsh Colony Road No. 1, P.O.- New Jaganpura, P.S.- Ram Krishna Nagar, District - Patna, Bihar - 800027.
 6. Nilesh Kumar, Son of Late Narendra Prasad Resident of Pucca Gali West Lohanipur, P.S.- Kadamkuan, Patna, Bihar - 800003.

... .. Appellant/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Secondary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna.
5. The District Education Officer, Patna.
6. The District Education Officer, Bhojpur at Ara.
7. The Divisional Education Establishment Committee, Patna Division, through its Chairman-cum-Regional Deputy Director of Education, Patna.
8. Bajrangi Prasad Gupta, Son of Jitan Sah Resident of Quarter No. 01/A, Ministerial Quarter, Station Road, P.S.- Ara Muffasil, District - Bhojpur.
9. Amit Kumar, Son of Late Satendra Kumar Resident of Mithapur, P.O.- Lai, P.S.- Bihta, District - Patna.
10. Razi Imam, Son of Late Abdul Razzak Minhaj Nagar, P.S. Phulwarisharif, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kumar Kaushik, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Rastogi, AAG-10
		Mr. Prabhat Ranjan Singh, AC to AAG-15



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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-08-2023

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	24.08.2023.
Transmission Date	

