

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9096 of 2015

1. Sunil Kumar Rajak and Ors Son of Sri Lakhan Lal Rajak, Resident of village- Jamaldipur, P.O.- Gauripur, District- Bhagalpur presently posted at Primary School, Nawada Harijan Kharik, District- Bhagalpur.
2. Jagdamba Suman, Son of Sri Shaligram Mandal, Resident of village- Kelabari, PO- Jot Govind PS- Ismailpur, District Bhagalpur, Presently posted at Primary School, Faridpur Kharik, Bhagalpur.
3. Suman Saurabh, Daughetr of Late Upendra Mandal, Resdient of village- Kajikoraiya, PO- Gauripur, PS- Kharik District Bhagalpur, presently posted at Primary School, Chhoti Athgama, Kharik District Bhagalpur.
4. Sunita Kumari wife of Shambhu Kumar Mandal, Resdient of village- Athgama P.O. Akidatpur Kharik, District- Bhagalpur presently posted at Middle School, Kajhaon, Kharik District- Bhagalpur.
5. Arun Kumar, Son of Subhash Mandal, resdient of village P.O. Raghapur, P.S. Parwatta, District- Bhagalpur.
6. Mausam Kumari, W/O Pranav Kumar, resident of village P.O. Raghapur, P.S. Parwatta, District- Bhagalpur.
7. Archana Kumari, W/O Purushottam Sah, resident of village P.O. Telghi, P.S. Kharik, District- Bhagalpur.
8. Kundan Kumari, D/O Ramshobhit Yadav, W/O Nayan Kumar Yadav, resident of village- Phulkiya, P.O. Ismailpur, P.S. Ismailpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrare, Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The District Programme Officer, Bhagalpur.
7. The Member, District Teacher Employment Appellate Authority, Bhagalpur.
8. The Block Edcuation Extension Officer, Kharik block, Bhagalpur.
9. The Mukhiya, Akidatpur Gram Panchayat, Kharik, Bhagalpur.
10. The Panchayat Secretary, Akidatpur Gram Panchayat, Kharik, Bhagalpur.
11. Arbind Kumar, Son of Yogendra Mandal, resident of village- Akidatpur, P.S. Kharik, District- Bhagalpur.
12. Chandan Kumar Chand Son of Late Bishundeo Mandal, resident of village- Akidatpur, P.S. Kharik, District- Bhagalpur.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Adv.
For the Respondent/s : Mr. Manoj Kumar Jha, Adv.
Mr Surendra Pandey, Adv.
Ms. Anupa Nand Jha, Adv.
Mr. Sunil Kumar Singh, Adv.
For the State : Mr. Sanjay Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

13 21-02-2023 1. This Court had vide order dated 16.11.2022 accepted the submissions from learned senior counsel to hear this case although, there is a remedy of appeal created by the State Authorities by forming Bihar State Schools Teachers and Employee Redressal Rule 2015. The case was therefore, directed to be heard finally and it was also observed that the Appellate Authority would have no jurisdiction to hear the appeal. However, *suo moto* this Court finds that the view earlier taken is not in conformity with the law. If any new act or rule is framed by the State establishing a forum for redressal of grievance by creating an Appellate Authority, it would have jurisdiction to decide all matters which stand decided by the Authority from which appeal lies and which are appealable to it. Thus, the forum of State Appellate Authority created by the said rule of 2005 shall have a retroactive effect and would apply to all the cases where the District Appellate Authority has passed its verdict. Jurisdiction of such a State Appellate Authority



would therefore, have application to all cases which may have been decided before the constitution of the said State Appellate Authority.

2. The view taken by me earlier on 16.11.2022 is not in consonance and in consonance with the purpose of formation of the Rules of 2015 which created a second forum of appeal namely, State Appellate Authority. The order passed by the Court, therefore, is *suo moto* recalled.

3. Having said so, it is directed that if an appeal is preferred against the impugned order, the State Appellate Authority shall hear the appeal on merits without dilemma on the issue of limitation and decide the same expeditiously preferably within period of six months. The interim order passed by this Court dated 08.02.2016 shall continue till disposal of this case.

Suraj/-
Item No. 85

(Sanjeev Prakash Sharma, J)

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