

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16876 of 2014

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Sulakshna Kumari Daughter of Sh. Shankar Pandit, Wife of Sh. Devendra Pandit resident of Village - Raghunath Pur, Post - Pathra, Police Station - Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Banka.
4. The District Programme Officer Establishment, Banka.
5. The District Education Officer, Banka.
6. The Block Development Officer, Barahat, District- Banka.
7. The Block Education Extension Officer, Barahat, District - Banka.
8. The Mukhiya, Gram Panchayat, Khadahra, Block - Barahat, District- Banka.
9. The Panchayat Secretary, Gram Panchayat, Khadahra, Block - Barahat, District- Banka.
10. Uday Kumar Sudhansu Son of Tribhuwan Pandit, residents of village - Dharmdiha, Post - Sondiha North, Police Station - Barahat, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. A,K.Choudhary, AAG13

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-11-2023

1.Heard learned counsel for the parties.

2. The petitioner has filed the instant application for the following reliefs:

“1) For issuance of writ in the nature of Certiorari to quash the Order dt. 05/08/2014 contained in Memo No. 352, passed by the District Teachers Employment Appellate Authority, Banka (herein after referred to as the Appellate Authority) in Case /Appeal No. 23 of 2011 and it's analogous



Case /Appeal Case No. 229/2011, whereby and whereunder the Appellate Authority has been pleased to dismissed the appeal no. 23/2011 filed by the petitioner and allowed appeal no. 229/2011 filed by the respondent No. 10. (Annexure-6 herein).

II) For issuance of writ directing the respondents to stay the operation of Order dt. 5/08/2014 passed by the Appellate Authority, Banka contained in Memo No. 352, till disposal of this case.

III) For direction to the respondents to appoint the petitioner on the post of Panchayat Teacher in place of the respondent No. 10 as her name is/was at Serial no. 3 in the Merit List.

IV) For any other relief /reliefs, for which the petitioner is entitled for.”

3. At the outset, learned counsel for the respondent-State of Bihar submits that the order impugned herein having been passed by the District Teachers Employment Appellate Authority, Banka, the petitioner has an alternate and efficacious remedy of preferring an appeal under the Bihar Panchayat Elementary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Condition) Rules, 2020 before the State Appellate Authority.

4. Learned counsel for the petitioner though resisting the preliminary objection raised on behalf of the respondents submits that the limitation for filing an appeal is only 30 days.



5. Having heard learned counsel for the parties, this application is disposed of giving liberty to the petitioner to file an appropriate appeal under the above Rules of 2020 against the order impugned herein.

6. In case the appeal is preferred within a period of 30 days from today, the authority shall consider and decide the case of the petitioner on its merits.

(Partha Sarthy, J)

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