

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.627 of 2022

In
Civil Writ Jurisdiction Case No.17461 of 2021

=====

Minni Gupta Wife of Shri Ajay Kumar Gupta Resident of Mohalla Bhirkhi,
(Ward No.21), P.S. Madhepura, District Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Kosi Division, Saharsa.
5. The District Education Officer, Madhepura.
6. The District Programme Officer (Establishment), Madhepura.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Prabhat Ranjan, Advocate
For the Respondent/s : Mr.Apurva Kumar, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 29-04-2023 Heard learned counsel for the parties.

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.

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.

This appeal is allowed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

M.E.H/uttam/-

U			
---	--	--	--

