

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.711 of 2022**

**In**  
**Civil Writ Jurisdiction Case No.12862 of 2019**

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Md. Shahzad Alam Son of Md. Saleenuddin Resident of Village- Raharia,  
P.O. Bagdahra, P.S. Jokihat, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar,  
Patna.
3. The Director, Primary Education, Education Department, Government of  
Bihar, Patna.
4. The District Magistrate, Araria, District- Araria.
5. The District Education Officer, Araria, District- Araria.
6. The District Program Officer (Establishment), Araria, District- Araria.
7. The District Teacher Employment Appellate Authroity, Araria, through the  
Member.
8. The Block Development Officer, Jokihat, District- Araria.
9. The Mukhiya, Gram Panchayat Raj, Gairki Masuriya, Block and P.S.  
Jokihat, District- Araria.
10. The Panchayat Secretary, Gram Panchayat Raj, Gairki Masuriya, Block and  
P.S. Jokihat, District- Araria.
11. Md. Arshad Jamil, Son of Safiruddin Resident of Village and P.O. Gairki,  
P.S. Jokihat, District- Araria.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. S.B.K.Mangalam, Advocate  
For the State : Mr. Apurva Kumar, AC to GA-12.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**



(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

**Date : 13-04-2023**

Heard learned counsel for the appellant and learned counsel for the State.

2. The appellant has preferred this Letters Patent Appeal against order dated 22.11.2022, passed in C.W.J.C. No. 12862 of 2019, dismissing the petitioner's writ application.

3. Learned counsel for the appellant has submitted that after receipt of the records before the State Appellate Authority, the appellant was not heard, which fact should have been verified by the Hon'ble Single Judge by calling for the records. Such submissions have been advanced by the learned counsel for the appellant even though the writ petition and the instant LPA have been filed without even annexing copy of order sheet of the proceedings before the State Appellate Tribunals.

4. Relying on the pleadings in the writ petition, the Hon'ble Single Judge has observed as follows:-

*"4. In this regard, it is interesting to note the averments made by the petitioner in his writ petition as under:-*

*Para-47:- That, after hearing the parties, the learned Chairperson of the State Appellate Authority vide his impugned judgment and order dated 02.05.2019 has been pleased to dismiss the appeal filed by the petitioner and has*



*directed the learned District Appellate Authority to get his order implemented within a period of 30 days from the date of receipt/production of a copy of the order.*

*Para-48:- That, at this juncture, it is also relevant to state that during the course of argument when an issue was raised that if no complaint was filed in terms with the provisions contained under Rule-18 of 2006 Rules, the District Teacher Appellate Authority had no jurisdiction to entertain the appeal against the appointment made on 14.01.2007, the processes for which had already begun in 2006, the learned Chairperson vide his order dated 02.11.2018 was pleased to call for original records of Case No.81 of 2009 from the District Appellate Authority, Araria and after receipt of the record, the matter was never heard.*

*5. Thus, it is apparent that while the petitioner asserts that after hearing the parties, the State Appellate Authority has been pleased to dismiss the appeal. in para-48 he states that after receipt of the record the matter was never heard. In fact, from perusal of subsequent paragraphs, it appears to be a grounds of the petitioner that they were not given opportunity to inspect the record and argue the case on the basis of record. Whereas it is also an admitted fact that in the order passed by the State Appellate Authority the facts mentioned in the*



*record have been noticed and the State Appellate Authority has passed a detailed judgment taking into consideration all the relevant facts. No other argument has been raised with regard to the legality of the order passed by the State Appellate Authority.*

*6. In the opinion of this Court, order sheets of a judicial authority, has to be accepted as it is in the order passed by the State Appellate Authority, appearance of counsels have been shown on behalf of all the contesting appellants as well as respondents. There is no challenge to that aspect by the petitioner, who agrees that the order was passed after hearing the parties as noticed above.”*

5. We find no infirmity in the findings recorded by learned Single Judge. Having gone through the order sheet, copy of which, now has been enclosed by the learned counsel for the State, in its counter affidavit, we find that the uncontroverted averments in the counter affidavit, copy of which was served on appellant on 28.02.2023, is that the appeal was heard nineteen (19) times. The records were also called for from the District Teachers Appellate Authority, whereafter, the order was passed by the State Appellate Authority.

6. We are therefore, of the opinion that filing of the instant LPA and pursuing the same is nothing short of a luxurious litigation, that also by making insinuation against the State Appellate Authority as well as scurrilous submissions against the Hon’ble Single Judge. The same, thus, deserves to be



deprecatd and discouraged.

7. We dismiss the appeal with a token cost quantified at Rs. 5,000/- ( Five Thousand) to be deposited in the Patna High Court Legal Services Committee.

**(K. Vinod Chandran, CJ)**

**(Madhuresh Prasad, J)**

Rajkishore/-

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| CAV DATE          | N/A        |
| Uploading Date    | 19.04.2023 |
| Transmission Date | N/A        |

