

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2470 of 2024

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Malti Choudhary Wife of Baidyanath Choudhary, Resident of Ward No. 14,
Behjadi, P.S.- Dehshri, Sehdei Buzurg, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, New Secretariat, Patna.
3. The District Education Officer, Vaishali, Hajipur.
4. The District Programme Officer, (Establishment), Vaishali, Hajipur.
5. The Block Development Officer cum Secretary, Block Teachers Selection Committee, Sahdei Bujurg, District- Vaishali, Hajipur.
6. The Block Education Officer, Sahdei Bujurg Block, District- Vaishali, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar , Advocate
For the Respondent/s : Mr. Prashant Kumar , AC to SC 05

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-10-2024 Heard learned counsel for the parties.

2. The present application has been filed for quashing the order dated 06.07.2023 passed by the State Appellate Authority, Bihar Patna whereby the learned Appellate Authority has dismissed the application filed by this petitioner on the ground that LPA No. 1086 of 2018 is pending before this Court.

3 Learned counsel appearing on behalf of this petitioner submits that the L.P.A. No. 1086 of 2018 was dismissed on 29.11.2019 and till date the same has not been restored and is still in the condition of dismissal and as such it



can be said that no LPA is in existence or is pending before this Hon'ble Court. Moreover, order passed by State Appellate Authority dated 31.08.2021 passed in Appeal No. 110 of 2020 has not been modified or stayed by any Superior authority or by this Hon'ble Court.

4. It is settled law that unless and until the order which is to be executed is stayed or modified, the order is required to be executed by the competent authority .

5 . Considering the aforesaid facts and circumstances, this writ petition is allowed and the order dated 06.07.2023 is set aside with direction to the State Appellate Authority to proceed in the matter and dispose of the same in accordance with law .

6. With the aforesaid observations and directions, this writ application is disposed of.

(Prabhat Kumar Singh, J)

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