

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.109 of 2024

In
Civil Writ Jurisdiction Case No.17287 of 2019

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Surendra Prasad son of Sri Prajapati, resident of Village-Hichha, P.S.-Konch,
District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Primary Education Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Education Officer, Gaya.
4. The District Programme Officer, Gaya.
5. The Block Education Officer, Konch, Gaya.
6. The Mukhiya, Simara, Simara Panchayati Raj, Konch, Gaya.
7. The Panchayat Secretary, Simara Panchayat Raj, Konch, Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha
For the Opposite Party/s : Mr.Additional Advocate General 13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-10-2024 1. The petitioner has filed the present review application for modification / review of the order dated 05.01.2024 passed in C.W.J.C. No. 17287 of 2019 by which the petitioner was given liberty to approach the District Teachers Appellate Authority for redressal of his grievance.

2. Learned counsel for the petitioner submits that before the order under review was passed, the notification of the State Government dated 26.12.2023 was issued by which the District / State Appellate Authority was directed not to accept



any fresh Appeal in the light of Rule 12 of the Bihar School Special Teachers Niyamawali, 2023. Despite due diligence, the petitioner could not bring it to the notice of this court at the time of passing of the order under review.

3. On the other hand, learned counsel for the State submits that a Division Bench of this court in the judgment passed in C.W.J.C. No. 1942 of 2024 (Pramod Kumar Yadav versus The State of Bihar) has struck down Rule 12 of the Elementary School Teachers Rules, 2023. After Division Bench judgment an Appeal can be entertained by the District Teachers Appellate Authority.

4. Having heard learned counsel for the parties and taking into consideration the fact that Rule 12 of the Elementary School Teachers Rules, 2023 has already been struck down by a Division Bench of this court, the order under review dated 05.01.2024 need not be reviewed / modified.

5. This application is accordingly disposed with liberty to the petitioner to file Appeal before the District Appellate Authority within a period of one month from today along with condonation of delay petition. If any such Appeal is filed along with condonation of delay petition within the aforesaid time frame, the same shall be disposed of in accordance with law by



the District Appellate Authority preferably within a period of six months thereafter.

(Anil Kumar Sinha, J)

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