

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1598 of 2017

In
Civil Writ Jurisdiction Case No.12350 of 2016

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1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
 2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
 3. The Director, Primary Education, Govt. of Bihar, Patna.
 4. The District Education Officer, Gopalganj.
 5. The District Programme Officer (Establishment), Gopalganj.
 6. The Block Education Officer, Hathua, Gopalganj.
 7. The Block Education Officer, Baikunthpur, Gopalganj.
 8. The Block Education Officer, Manjha, Gopalganj.
 9. The Block Education Officer, Thawe, Gopalganj.
 10. The Block Education Officer, Uchkagaun, Gopalganj.
 11. The Block Education Officer, Barauli, Gopalganj.
 12. The Block Education Officer, Kuchaikot, Gopalganj.
 13. The Block Education Officer, Sindhwalia, Gopalganj.
 14. The Block Education Officer, Bhore, Gopalganj.
 15. The Block Education Officer, Fulwaria, Gopalganj.

... .. Appellant/s

Versus

1. Suman Swaraj, Daughter of Sri Mahasay Ram, resident of Village- Sarsar, P.S.- Siwan, District- Siwan.
2. Srikant Singh, son of Kameshwar Singh, resident of Village- Devkuli, P.S.- Mahammadpur, District- Gopalganj, Bihar.
3. Anita Goshwami, wife of Rajesh Parwat, resident of Village- Parwa ke Mathiya, P.S.- Barhariya, District- Siwan.



4. Bushra Khatoon, wife of Imtiyaz Alam, resident of Village- Gopal Math, P.S.- Thawe, District- Gopalganj.
5. Bimla Prasad, wife of Sri Anil Kumar Manjhi, resident of Village- Jagatpura, P.S.- Barhariya, District- Siwan.
6. Sandeep Kumar Singh, son of Shriniwas Singh, resident of Village- Parwaliya, P.S.- Uchkagaun, District- Gopalganj.
7. Kripashankar Prasad, son of Gautam Prasad, resident of Village- Madhopur, P.S.- Barauli, District- Gopalganj.
8. Batika Kumari, Daughter of Rajeshwar Singh, resident of Village- Risaura, P.S.- Maharajganj, District- Siwan.
9. Santosh Kumar, son of Late Sahdeo Paswan, resident of Bazar Khajuriya, P.S.- Sidhbaliya, District- Gopalganj.
10. Byas Kumar Singh, son of Jaleshwar Singh, resident of Village- Khajuriya, P.S.- Sidhbaliya, District- Gopalganj.
11. Nurain, son of Late Md. Ekbal, resident of Village- Vishunpura, P.S.- Sidhbaliya, District- Gopalganj.
12. Bebi Kumari, wife of Jitendra Kumar Sah, resident of Village- Kashi Tengrahi, P.S.- Mahammadpur, District- Gopalganj.
13. Puja Kumari, wife of Sri Rupesh Kumar Singh, resident of Village- Gangawa, P.S.- Sidhbaliya, District- Gopalganj.
14. Rajnish Kumar, son of Dayashankar Singh resident of Village- Madhuwani Ghat, P.S.-Muffasil Motihari, District- East Champaran.
15. Amire Azam, son of Master Aainuddin, resident of Village- Aalampur, P.S.- Jamo Bazar, District- Siwan.
16. Baidnath Baitha, son of Late Bindeshwari Baitha, resident of Village- Haluar, P.S.- Sidhbaliya, District- Gopalganj.
17. Binay Kumar Prasad, Son of Om Prakash Prasad, resident of Village- Belsand, P.S.- Belsand, District- Gopalganj.
18. Kanhaiya Kumar Paswan, Son of Munshi Paswan, resident of Village- Dularpur, P.S.- Fulwariya, District- Gopalganj.
19. Binod Kumar, son of Ram Narayan Yadav resident of Village- Risaura, P.S.- Maharajganj, District- Siwan.
20. Rameshwar Ram, son of Sri Jagan Ram, resident of Village- Indrawan, P.S.- Thawe, District- Gopalganj.
21. Tarkeshwar Sah, son of Ramjit Sah resident of Mallupur, P.S.- Pachrukhi, District- Siwan.
22. Mira Singh, son of Parmatama Singh resident of Village- Ekdanga Tola Nerue, P.S.- Mirganj, District- Gopalganj.
23. Gyanti Kumari son of Tribhuwan Singh, resident of Village- Khorī Pakar, P.S.- Zamo Bazar, District- Siwan.

... .. Respondent/s

Appearance :



For the Appellant/s : Mr. Priyadarshi Matri Sharan, AC TO AAG 15
For the Respondent/s : Mr. Satyam Shivam Sundaram, Advocate

CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI)

Date : 26-02-2024

The present Letters Patent Appeal has been filed under Clause-X of Patna High Court Rules against the order dated 03.03.2017, passed by the learned Single Judge of this Court in C.W.J.C. No. 12350 of 2016, whereby the learned Single Judge has allowed the petition filed by the respondents/original petitioners.

2. Heard Mr. Priyadarshi Matri Sharan, learned AC to AAG-15 for the appellants/ State, Mr Satyam Shivam Sundaram, learned counsel appearing for the respondents/ original petitioners.

3. Learned counsel for the appellants/State submits that the letter dated 31.05.2016 was challenged by the original petitioners by filing the writ petition before this Court. In fact the State government has given the direction that any direction for appointment given by the District Teachers Employment Appellate Authority, on the posts in question, for which the selection process has already been concluded should not be obeyed without taking permission of the State



Government. It is submitted that learned Single Judge disposed of the aforesaid writ petition and thereby quashed and set aside the communication dated 31.05.2016 and thereby direction was issued that the original writ petitioners would continue to work and their salary should be paid.

4. Learned counsel for the appellants/ State has tried to argue the case of the appellants on merits. However, at this stage, learned counsel appearing for the present respondents/ original petitioners pointed out that the order passed by District Teachers Employment Appellate Authority, Gopalganj, was challenged by the concerned authority before the State Appellate Authority only in the year 2021 and on 12.05.2022, the State Appellate Authority quashed and set aside the order of District Teachers Employment Appellate Authority, Gopalganj. He further pointed out that against the order dated 12.05.2022 passed by State Appellate Authority, the concerned petitioners have preferred different writ petitions before this Court in the year 2022 and this Court has granted stay against the order passed by the State Appellate Authority. Both the aforesaid orders are produced on record.

5. At this stage, learned counsel for the present respondents/original petitioners has also referred the counter



affidavit/ further supplementary affidavits filed on behalf of the respondents/original petitioners in the present application/writ petitions from which it has been pointed out that the impugned communication dated 17.05.2016 which was under challenged in the writ petition has been cancelled by the concerned original respondents/present appellants and the disputed words in the said communication were also withdrawn.

6. Learned counsel for the respondents/ original petitioner in the present L.P.A. submits that the present Letters Patent Appeal has become infructuous in view of the subsequent developments.

7. In view of the aforesaid submissions canvassed by the learned counsels appearing for both the parties, we are of the view that by communication dated 03.10.2017, the communication dated 17.05.2016 has been cancelled, which was impugned in the writ petition. The present L.P.A. has become infructuous. It is also required to be noted that even the order passed by the District Teachers Employment Appellate Authority, Gopalganj was challenged by the concerned authority before the State Appellate Authority and the State Appellate Authority allowed the appeal filed by the District Education Officer, Gopalganj and, thereafter, the said order of the State



Appellate Authority has been challenged by filing different writ petitions before this Court.

8. We are of the view that the present L.P.A. deserves to be disposed of as having become infructuous. Accordingly, the same stands disposed of.

(Vipul M. Pancholi, J)

I agree: (Sunil Dutta Mishra, J.)

(Sunil Dutta Mishra, J)

khushbu/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	27/02/2024
Transmission Date	27/02/2024

