

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11887 of 2024

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Amit Kumar Rajak Son of Sri Jaimangal Baitha, Resident of Village and P.O.
-Vaishali, P.S. and District – Vaishali. Petitioner.

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Education Officer, Vaishali at Hajipur.
5. The District Programme Officer (Establishment), Vaishali at Hajipur.
6. The Block Teacher Employment Unit, Vaishali, P.O. and P.S. - Vaishali, District - Vaishali at Hajipur through its Secretary.
7. The Block Development Officer-cum-Secretary, Block Teacher Employment Unit, Vaishali, P.O. and P.S.- Vaishali, District - Vaishali at Hajipur.
8. The Block Education Officer, Vaishali, District - Vaishali at Hajipur.
9. The Headmaster, Middle School, Madarna, Block- Vaishali, District - Vaishali at Hajipur.

... .. Respondents.

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Standing Counsel 6

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

2 08-08-2024 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The present writ application has been preferred

for setting aside the initiation of Appeal No.10/2024 and

notice issued vide Letter No.600 dated 02.07.2024 issued by



the Regional Deputy Director of Education-cum-Education Appellate Authority, Tirhut Division, Muzaffarpur, whereby the order passed by the District Teacher Appellate Authority, Vaisahli was challenged.

3. Learned counsel for the petitioner submits that the order passed by the District Teachers Appellate Authority is appealable before the State Teachers Appellate Authority but the Block Education Officer, Vaishali, without any authority under the law, has preferred an appeal before the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur. He further submits that the Regional Deputy Director of Education has no jurisdiction to hear and decide the appeal against the order passed by the District Teachers Appellate Authority. Hence, the impugned order is *non est* in the eyes of law and fit to be set aside. In support of his submissions, learned counsel for the petitioner cited various decisions of this Court also.

4. Having heard learned counsel for the parties, in my considered opinion, firstly, the Block Education Officer, Vaishali filed the appeal in a wrong forum, which has no jurisdiction to entertain such appeal and secondly, the Regional Deputy Director of Education, Tirhut Division,



Muzaffarpur has committed wrong in entertaining it and passing an order.

5. In that view of the matter, I have no option but to set aside the Notice bearing Letter No.600 dated 02.07.2024, Annexure-P/2 to the writ application. Accordingly, the writ application is disposed of.

(Anjani Kumar Sharan, J)

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