

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15062 of 2023

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1. Baby Kumari Wife of Sanjay Prasad, Resident of Village - Diha, Police Station - Guraru, District - Gaya.
 2. Punam Kumari Verma, Wife of Chandrika Prasad, Resident of Village- Matuk Bigha, Post Office- Malpa, Police Station - Guraru, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department, Bihar, Patna.
2. The Principal Secretary Education Department, Bihar, Patna.
3. The State Project Director Bihar Education Project Council, Bihar, Patna.
4. The District Magistrate, Gaya.
5. The District Education Officer, Bihar Education Project, Gaya.
6. The District Programme Officer Primary Education and Sarva Shiksha Abhiyan, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar
For the Respondent/s	:	Mrs. Binita Singh (Sc 28)
For the Respondent no.4:	:	Mr. Girijish Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 04-04-2024

Heard learned counsel for the parties.

2. Learned counsel for the petitioner submits that earlier the petitioner had filed an appeal before the District Appellate Authority, Gaya and the District Appellate Authority rejected the claim of the petitioner, that the appeal is not maintainable because petitioner does not come under the purview of the Teacher (Annexure-P1).

3. Learned counsel for the petitioner relied upon the



judgment of a co-ordinate Bench of this Court in **C.W.J.C Nos.5489, 6392 of 2020** vide order dated 23.04.2022.

“In para-10 of the said judgment, it is held that only in cases where a person is not borne in service, would he be not amenable to the jurisdiction of the aforesaid authorities. However, once a person joins the service in Education Department may be in any school, college which may be having any kind of character, his or her grievances relating to service dispute, which maybe of nature of transfer seniority pay scale, departmental enquiry, Advertisement/ Selection/ Appointment/ Probation, Engagement/ Re-Employment, Punishment with or without Departmental Proceedings, Termination/ Removal, Compulsory Retirement, Increment, Transfer/ Deputation/ Leave, suspension, Date of Birth, Allowance/Reimbursement, Seniority, Promotion/Reversion, Departmental Examination, Salary/Pay, Fixation, Quarter Allotment or for that matter relating to his pension etc. can be examined at the first stage by District Appellate Authority.



Factual aspects can based be examined by such authorities. Considering that the Appellate Authorities are to be manned by person, who has had experience in the judicial field, the teacher or non-teaching employee would be able to get his dispute adjudicated in a judicious manner.”

4. Considering the order passed by the Co-ordinate Bench of this Court, I set aside the Annexure-P1 and P2 of the writ application and direct the petitioners to file an appeal before the District Appellate Authority, Gaya within a period of two weeks and the District Appellate Authority, Gaya is directed to pass a reasoned and speaking order after hearing the petitioners or their counsel and dispose of the matter within a period of six months.
5. With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2024
Transmission Date	NA

