

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1685 of 2019

In
Civil Writ Jurisdiction Case No.5105 of 2018

=====

Gufrana Khatoon Wife of Md. Mustaque resident of Village Kujratola
Birgaon, P.S. Mahishi and District Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department, Bihar, Patna.
2. Director Jan Siksha Nideshalaya Bihar, Patna.
3. District Magistrate, Saharsa.
4. District Programme Officer(Literacy), Saharsa.
5. Block Development Officer Mahishi District- Saharsa.
6. Block Education Officer Mahishi P.S. Mahishi, District- Saharsa.
7. Chariman Bidyalaya Siksha Samiti Middle School Birgaon, P.S. Mahishi and District- Saharsa.
8. Head Master Middle School Mahishi, P.S. Mahishi and District- Saharsa.
9. Md. Gafoor Son of Md. Abul Hasan, Resident of Village Birgaon, P.S. Mahishi and District- Saharsa.

... .. Respondent/s

=====

Appearance :

For the Appellant/s :

For the Respondent/s : Mr. Shashi Shekhar Tiwary, AC to AAG 15

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 19-09-2024

None appears for the appellant.

2. It is a matter relating to termination. There is delay of about 342 days in filing the present LPA No. 1685 of 2019. Appellant pleaded that she is a poor lady financially not sound and her husband was suffering from Jaundice and, thereafter,



Hepatitis B. Taking note of the reasons, we proceed to condone the delay of about 342 days in filing the LPA No. 1685 of 2019. Accordingly, I.A. No. 1 of 2019 stands allowed.

3. LPA No. 1685 of 2019 is taken up for final disposal.

4. Short question for consideration in the present *lis* is whether appellant has a statutory remedy of appeal before the District Magistrate or not?

5. The learned Single Judge has made an observation that appellant has a remedy of second appeal and it has not been exhausted. In such an event, it is not appropriate to entertain the present appeal.

6. Be that as it may, the District Magistrate is stated to be the second appellate authority in respect of redressing the grievance of the appellant, therefore, the District Magistrate, *Saharsa* is requested to decide the grievance of the appellant. We treat the present appeal as a second appeal before the District Magistrate, *Saharsa*.

7. Learned counsel for the State is hereby directed to provide a copy of the present LPA and other papers to the District Magistrate, *Saharsa* within a period of four weeks from the date of receipt of copy of this order. Thereafter, the District



Magistrate – second appellate authority is requested to decide the appellant’s grievance as if the present LPA is second appeal before him and proceed to pass a detailed speaking order and communicate the same to the appellant after providing an opportunity of hearing. In that regard, hearing date and time shall be notified to the appellant. Speaking order shall be communicated to the appellant at the earliest.

8. The above exercise shall be undertaken by the second appellate authority – the District Magistrate, *Saharsa* within a period of four months from the date of receipt of the LPA papers.

9. Accordingly, present LPA No. 1685 of 2019 stands disposed of.

10. If the third party right is likely to be affected, in that event, the District Magistrate – second appellate authority is hereby directed to issue notice to such of those person/persons for hearing in the second appeal. In other words, after due process of law like following principle of natural justice.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

U			
---	--	--	--

