

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2014 of 2023

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Punita Kumari, Wife of Mahendra Kumar, Resident of Village- Kuriban, P.S.-
Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Primary Education,
Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The District Education Officer, Madhubani.
4. The District Programme Officer (Establishment), Madhubani.
5. The Block Education Extension Officer, Laukahi, District- Madhubani.
6. The Mukhiya, Gram Panchayat Raj Narahia (North), P.S.- Laukahi, District-
Madhubani.
7. The Panchayat Secretary, Gram Panchayat Raj Narahia (North), P.S.-
Laukahi, District- Madhubani.
8. The Headmaster, Government Primary School, Chiknitol, P.S.- Laukahi,
District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Advocate.
Mr. Kripa Nand Jha, Advocate.

For the Respondent/s : Mr. Madhaw Prasad Yadaw (GP 23).

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

14 13-11-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

*“(i) For issuance of an
appropriate direction, order or writ in the
nature of certiorari for setting aside the
order dated 25.11.2022 and 09.12.2022
passed in O.A. No. T-670 of 2022 by the
Chairperson (A) of the State Appellate
Authority, Patna by which the service of*



this petitioner has been cancelled from the initial date of appointment i.e. w.e.f. 07.02.2014 contrary to the issue involved in the appeal.

(ii) For further issuance of an appropriate direction, order or writ in the nature of certiorari quashing the consequential letter No. 12 dated 05.01.2023 issued by the Block Education Officer, Laukahi addressed to the Head Master of the school by which the petitioner has been restrained from putting her attendance and her salary has been directed to be stopped.

(iii) For also commanding the respondents to pay the salary of the petitioner for the period from March 2019 to 21.01.2021 as well as the current salary on month to month basis and restrained the respondents to not disturbed the petitioner in discharging her duty in the school.

(iv) For holding and declaring that the impugned order passed by the Learned Appellate Authority as also the consequential order thereof passed by the Block Education Officer are under the teeth of order passed in the case of this petitioner by this Hon'ble Court dated 12.09.2012 passed in CWJC No. 16749 of 2012 and order dated 25.07.2019 passed in CWJC No. 14962 of 2019 and thus void-ab-initio. The learned appellate Authority has in fact sit over the orders of this Hon'ble Court and has travelled beyond jurisdiction in view of division Bench judgment reported in 2016(1)PLJR 836."

3. Learned counsel appearing on behalf of the petitioner

submits that the impugned order dated 25.11.2022 and 09.12.2022



passed by the State Appellate Authority has been passed by the Single Administrative Member and not by a Bench consisting of retired judge of the High Court. Learned counsel submits that as per the Rule 4 (3) of the *Bihar State School Teachers and Employees Disputes Redressal Rules, 2015*, the matter should be heard by a quorum consisting of a Chairperson who shall be a retired judge of the Hon'ble High Court and another person who shall be retired officer of the Indian Administrative Service not below the rank of the Principal Secretary. However, in this case, the present impugned order has been passed by the single person i.e. the retired I.A.S. Officer only. Learned counsel submits that the matter is squarely covered by the judgment of this Hon'ble Court passed on CWJC No. 11095 of 2021 dated 04.08.2025 and also the judgment passed in CWJC No. 17508 of 2021 along with other analogous cases dated 17.04.2025. Learned counsel submits that in view of the above settled legal position the impugned order dated 25.11.2022 and 09.12.2022 has to be necessarily set aside and the matter has to be remanded back to the concerned authority for passing orders afresh by the competent members appointed by the Government.

4. Per contra, the learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has



stated that the order does not suffer from any infirmity and therefore, this Court may not interfere with the orders passed by the State Appellate Authority. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly, as seen from the Rule 4 (3) of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015 which reads as under:-

“4(3) The State Appellate Authority shall be constituted at State Level consisting of two persons only (hereinafter each referred as the separate Chairperson) who will be appointed by the State Government for hearing the appeal against the order passed by the District Appellate Authority. One Chairperson will be a retired Justice of Hon'ble High Court and another will be a retired officer of Indian Administrative Service not below the rank of Principal Secretary. The State Government may authorise the Chairperson of one State Appellate Authority to discharge the functions of the Chairperson of another State Appellate Authority.”

6. A reading of the above makes it clear that the quorum consists of a retired High Court Judge and a retired member of the Indian Administrative Tribunal who shall not be below the rank of the Principal Secretary. However, in this particular case, the impugned order dated 25.11.2022 and 09.12.2022 are passed by the Single Member who is admittedly an I.A.S. Officer and not a retired judge of the Hon'ble High Court. Under similar circumstances, this Hon'ble Court in CWJC No. 11095 of 2021 dated 04.08.2025 and CWJC No. 17508 of 2021 and other



analogous cases dated 17.04.2025 has set aside the order impugned therein solely on the ground that the orders were passed by the Single Member who is a retired I.A.S. Officer and not by the retired judge of the High Court.

7. Having regard to the same, the impugned order dated 25.11.2022 and 09.12.2022 are both set aside and the matter is remanded back to the State Appellate Authority for passing orders afresh by the competent Chairperson having the necessary jurisdiction to dispose of the appeal. It is needless to observe that before passing any orders the authority shall put the petitioner as well as any other interested party on notice and pass a reasoned order as expeditiously as possible preferably within a period of twelve weeks from the date of the receipt of the copy of this order. Any order passed shall be communicated to the party.

8. With the above directions, the present Writ Petition stands disposed of.

(A. Abhishek Reddy, J)

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