

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17887 of 2015

Chandrashekhar Prasad Kunwar Son of Late Shiohoti Prasad Kunwar of
Village P.O.- Balaun, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Collector, District- Siwan.
3. The District Education Officer, District- Siwan.
4. Sri Faizul Rahman, The District Programme Officer Establishment, District- Siwan.
5. The Block Education Extension Officer, Maharajganj Block, District- Siwan.
6. The Block Development Officer, Maharajganj Block, District- Siwan.
7. The Panchayat Secretary, Panchayati Raj Balaun, Block- Maharajganj, District- Siwan.
8. Mukhiya-cum-Chairman of Teacher Niyojan Eakai.
9. The District Teacher Employment Appellate Authority, District- Siwan through its Member.
10. Mr. Arvind Ram, Son of Rajendra Ram, Resident of Village- Badhiya Tola, P.S.- Maharajganj, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Shrivastava
For the State	:	Mr. Sarvesh Kumar, GP-24
For Res. Nos. 6&7	:	Mr. Bijay Prakash Singh, Adv
For Res. No. 10	:	Mr. Umesh Kumar Mishra, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

10 05-12-2025 Heard learned counsel for the petitioner, learned counsel for private-respondent no. 10, learned counsel for respondent no. 6-7 and learned counsel for the respondent-State.

2. In the present writ application, the petitioner has prayed for the grant of following reliefs:



“(i) For the issuance of the writ in the nature of certiorari for quashing the order dated 15.09.2015 passed by the learned Presiding Officer, District Teachers Appellate Authority, Siwan (Hence forth referred to as Appellate Authority) whereby and whereunder and the Appeal No. 122/2011/452/2014 filed by the petitioner has been dismissed on the basis of wrong interpretation of law relating to appointment of physically disabled category.

(ii) For the issuance of the writ in the nature of mandamus directing the concerned respondents authority to appoint the petitioner on the post of Panchayat Teacher under the physically disabled (Orthopedic) category within Panchayat Raj Balaun, Block-Maharajganj, District-Siwan by setting aside the appointment of respondent no.10 i.e. Mr. Arvind Ram.

(iii) To hold and declare that the petitioner was the only competent person to be appointed under the physically disabled category taking into account that his place in merit list under the said category was at Serial No.1 and any appointment made in the place of the petitioner is illegal and is liable to be set-aside also stated the order dated

(iv) To further hold that the



proposal No.6 approved by the selection committee, Panchayat Raj, Balaun is illegal.

(v) To other relief/reliefs for which the petitioner is entitled on the basis of facts, law or both.”

3. At the outset, learned counsel for the respondent-State submits that this writ application has been filed without availing the alternative remedy of challenging the order dated 15.09.2015 passed by the District Teachers Appellate Authority, Siwan before the State Appellate Authority. Hence, prayer has been made not to entertain the present writ application.

4. To the aforesaid objection raised by learned counsel for the respondent-State, learned counsel for the petitioner submits that he is prepared to file an appeal before the State Appellate Authority if this Court would direct the State Appellate Authority not to reject the appeal on the ground of limitation and in fact to decide the appeal if preferred by the petitioner, on merit. He further prays that the petitioner be granted liberty to raise all pleadings before the State Appellate Authority which would be in the interest of the petitioner.

5. To the aforesaid submission made by learned counsel for the petitioner, learned counsel appearing for respondents do not have any objection.

6. Considering the limited nature of prayer being



made by learned counsel for the petitioner, this writ application is disposed of granting liberty to the petitioner to file an appeal before the State Appellate Authority within two months from the date of passing of this order and if such an appeal is filed containing all such pleadings which the petitioner considers necessary in support of his case, the State Appellate Authority shall entertain the appeal and decide it on merit after hearing all the parties concerned. It is made clear that the appeal which shall be filed by the petitioner will not be rejected on the ground of delay. Needless to emphasize that the final order which shall be passed by the State Appellate Authority must be a reasoned and speaking order.

7. With the aforesaid observation/direction and liberty granted, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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