

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3650 of 2020

Shahzad Hussain @ Shahjad Hussain Son of Chauki Miyan, Resident of
Village- Bahuarwa, P.S. Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, West Champaran.
4. The District Education Officer, West Champaran.
5. The District Programme Officer (Establishment), West Champaran.
6. The Block Development Officer, Block- Majhauria, P.S. Majhauria, District- West Champaran.
7. The Block Education Officer, Block- Majhauria, P.S. Majhauria, District- West Champaran.
8. The Mukhiya, Gram Panchayat Raj, Bahuarwa, Block- Majhauria, P.S. Majhauria, District- West Champaran.
9. The Panchayat Secretary, Gram Panchayat Raj- Bahuarwa, Block- Majhauria, P.S. Majhauria, District- West Champaran.
10. Zila Lok Shikayat Niwaran Padadhikari, West Champaran at Bettiah.
11. District Appellate Authority, West Champaran at Bettiah.
12. The Chairperson, the State Appellate Authority, Education Department, Bihar, Patna.
13. Abha Sinha, D/o Bharat Prasad, Village and P.O.- Madhopur, Block- Majhauria, P.S. Majhauria, District- West Champaran.
14. Manoj Ram, Son of Jang Bahadur Ram, Village and P.O. Mirzapur, Block- Majhauria, P.S. Majhauria, District- West Champaran.
15. Md. Sabir Ali, Son of Wasir Ali, Village and P.O.- Lal Saraiya, Block- Majhauria, P.S. Majhauria, District- West Champaran.
16. Firoj Alam, Son of Nurjan Miya, Village and P.O.- Jaukatiya, Block- Majhauria, P.S. Majhauria, District- West Champaran.
17. Rita Kumari, D/o Dashrath Chaudhary, Village and P.O. Sugauli Bazar, Block- Sugauli, District- East Champaran.
18. Tabbassum Praveen, D/o Md. Akhtar Hussain, Mohalla and P.O. Teen



- Lalten, Bettiah Block - Bettiah, P.S. Bettiah, District- West Champaran.
19. Md. Mustajab Alam, Son of Md. Usman Miya, Village- Dumariya, P.S. Parsa, Block- Majhaulia, P.S.Majhaulia, District- West Champaran.
20. Satya Pravriti, Son of Yogendra Prasad Yadav, Mohalla- P.O. Teen Lalten, Bettiah, Block Bettiah, P.S. Bettiah, District- West Champaran.
21. Ajeet Kumar Singh, Son of Awadh Kumar Singh, Village and P.O.- Parsa, Block- Majhaulia, P.S.Majhaulia, District- West Champaran.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Advocate
For the Respondent/s : Mrs. Binita Singh, (SC 28)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-01-2025 Heard Mr. Rakesh Kumar No.1, learned counsel

 appearing on behalf of the petitioner and Mrs. Binita Singh,

 learned SC 28 for the State.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought, *inter alia*, the following relief(s), which is

reproduced hereinafter:-

“(A) A writ of certiorari for quashing order dated 29.08.2019 passed by the State Appellate Authority, Education Department, Bihar, Patna in Appeal No. 306/2019 (wherein and whereby petitioner's appeal was dismissed on the ground of limitation without appreciating the facts and circumstances that the petitioner herein has been diligently and vigilantly pursuing his grievance since the year 2007 and if any delay is due to delay caused by the Authorities concern.

(B) For a writ of Mandamus of direction to the State Appellate Authority, Education Department, Bihar, Patna to hear the petitioner appeal afresh in accordance with law, since, if any, delay the same has been caused by the Authorities and not by the diligent an vigilant petitioner herein.

(C) For any other relief/reliefs for which petitioner may be fond entitle and fit for in accordance with law.”



3. It is the claim of the petitioner that he had applied in the year 2006 for the post of Panchayat Teacher but he did not get notice for counseling, however, soon he came to know about the development in respect of selection, he filed complaint before the Public Grievance Redressal Cell in the office of the District Magistrate, West Champaran and other authorities. The process of first phase of Panchayat teachers' employment completed and closed in the year 2007. Thereafter, second phase was of employment of Panchayat teachers started in the year 2008 and was closed in the year 2010. Subsequently, Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006 were amended by the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2008, under which entirely different criteria for selection of Panchayat teachers were issued. Accordingly, the Block Development Officer, who was authoritiesed and empowered authority to hear the complaint related to the employment of teachers, was replaced by the District Level Authority comprising one or more members, having power and jurisdiction to decide the appeal relating to employment of Panchayat teachers, who were appointed by the State Government. The petitioner has next submitted that though the



petition was pending before the District Magistrate, he has not endeavored either to pass an order or to refer the matter before the District Appellate Authority. In this background, learned counsel submitted that the petitioner was pursuing his remedy earlier but due to laches on the part of the respondent and merely on the ground that the petitioner had filed appeal before the District Appellate Authority, West Champaran in the year 2018, after a lapse of 11 years, his grievance was not entertained.

4. Learned counsel appearing on behalf of the petitioner seeks to file a detailed representation before the District Programme Officer (Establishment), West Champaran for redressal of the grievance(s) of the petitioner.

5. Considering the aforesaid submission, the District Programme Officer (Establishment), West Champaran is directed to call for all the service particulars relating to the petitioner from the District Education Officer, Block Education Officer and also from the office of the Gram Panchayat, Bahuarwa, West Champaran for taking corrective measures on the basis of the documents produced by the District Education Officer before the State Appellate Authority. The order dated 29.08.2019 of the State Appellate Authority is interfered for the



reason that it has not considered the case of the petitioner on the basis of the materials which were required for adjudication of the case. The State Appellate Authority is directed to take corrective measures in accordance with the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006, amended up-to-date expeditiously.

6. The order passed by the State Appellate Authority (Education Department) in Appeal No. 306 of 2019 dated 29.08.2019 is hereby modified to the above extent.

7. With the aforesaid direction/observation, the present writ petition stands disposed of.

(Purnendu Singh, J.)

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