

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9179 of 2021

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Ashok Kumar Ram S/o- Nabab Ram R/o- Village- Khochariyaon, P.S.-
Bageon Gola, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary HRD, Govt. of Bihar.
3. The Director (Primary Education) Govt. of Bihar.
4. The District Magistrate, Buxar.
5. The District Education Officer, Buxar.
6. The District Programme Officer (Establishment), Buxar.
7. The Block Development Officer, Block Bramhapur, District Buxar.
8. The Block Education Officer, Block Bramhapur, District Buxar.
9. The Panchayat Secretary, Gram Panchayat Raj- Ekrasi, Block Bramhapur, District Buxar.
10. The Mukhiya Gram Panchayat Raj- Ekrasi, Block Bramhapur, District Buxar.
11. The District Teacher Tribunal, Buxar, through its Member.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav, Advocate.
For the Respondent/s : Mr. Madanjeet Kumar, GP-20.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. At the outset, learned counsel appearing on behalf
of petitioner submitted that the order dated 17.09.2020 passed
by the State Appellate Authority in Appeal No.36 of 2019
(Annexure P/11) is not sustainable, as the same has been passed
by the member who is the Officer of the Indian Administrative



Service. He further submits that the Tribunal quorum as provided under Rule 4(3) of the *Bihar State School Teachers and Employees Disputes Redressal Rules, 2015* (hereinafter referred to as the 'Rules, 2015') has not been fulfilled.

3. Learned counsel further submitted that the present writ petition is covered by the **judgment dated 17.04.2025 passed in CWJC No. 17508 of 2021 (Pradip Kumar Yadav & Ors. Vs. The State of Bihar & Ors.)**, wherein this Court relying upon the decision of the Apex Court, in the case of *State of Gujarat Vs. Utility Welfare Association*, reported in *(2018) 6 SCC 21 : 2018 SCC OnLine SC 368*, remitted back the matter to the State Appellate Authority for its reconsideration.

4. The State Appellate Authority consists of a quorum as per the provision of Rule 4 of the Rules, 2015, which is reproduced hereinafter:

“4. Composition of
Appellate Authority –

(1) The District Appellate Authority shall consist of two persons only (herein after referred to as the presiding officer) to be appointed by the State Government. One presiding officer will be a retired officer of Bihar Judicial service and another will be a retired officer of Bihar Administrative service or Bihar Education Service.

(2) Notwithstanding anything contained in sub-section (1), the State Government may authorise the presiding officer of one Appellate Authority to discharge the functions of the presiding officer of another Appellate Authority.

(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 Authorities. 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."

5. In view of the law laid down by the Apex Court in the case of ***Utility Welfare Association (supra) and the order dated 17.04.2025 passed by this Court in CWJC No. 17508 of 2021***, the matter is remitted back to the State Appellate Authority for its reconsideration. The order dated 17.09.2020 passed by the State Appellate Authority in Appeal No.36 of 2019 (Annexure P/11) is set aside.

6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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