

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18796 of 2015

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Bhagwan Mahto Son of -Sri Bharginath Mahto, Resident of village- Gangpur
Siswan, P.S.- Siswan, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Education officer, Siwan.
4. The District Programming officer Establishment, District- Siwan.
5. The Block Development Officer, Siswan District- Siwan.
6. The Block Education Officer, Siswan, District- Siwan.
7. The Teacher Appointment Appellate Tribunal through the Member, Teacher appointment Appellate Tribun
8. Javed Ikbal, Son of - Md. Kashim, Resident of village- Chainpur, P.S.- Siswan, District- Siwan.
9. The Pramukh, Siswan Panchayat Samiti, P.S.- Siswan, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baidyanath Thakur, Adv. Mr. Avnash Kumar, Adv. Mr. Kaushik Deo, Adv.
For the Respondent/s	:	Mr. Santosh Kumar Jha, GP-3

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 18-11-2025 Heard learned counsel for the petitioner and learned
counsel appearing for respondents-State.

2. The petitioner in the present writ application has
prayed for the grant of following reliefs:

*“I. For quashing of the order
dated 01.09.2015, passed by the District
Teacher Appellate Tribunal Siwan where
by and where under the said District
Teacher Appellate Tribunal has dismissed
the case of the petitioner arbitrarily,
illegally, ignoring the fact of the case and
dismissed the case of the petitioner vide*



case no. 352/12 filed by the petitioner.

II-For any other relief/reliefs for which the petitioner is entitled for.”

3. Learned counsel appearing for the petitioner submits that this is the second round of litigation. Earlier also he had approach the Court vide CWJC No.23517 of 2013 in which an order dated 23.01.2015 (Annexure-5) was passed, which is quoted herein below:

“The sole prayer made in the present writ application by the petitioner is that he has filed Case No.352 of 2012 before the District Teachers Employment Appellate Authority, Siwan but the same has not been decided till date.

Writ is disposed of with a direction upon the Member of the said Tribunal that since it is an old matter, he should ensure that adjudication is made and decision rendered within a period of three months from the date of production of a copy of this order.”

[Emphasis Supplied]

4. Learned counsel for the petitioner submits that the purport of the above order passed by this Court meant that the Tribunal had to adjudicate the matter on merit, which has not been done and by impugned order dated 01.09.2015 the District Teacher Appellate Tribunal has dismissed the appeal solely on the ground of delay. He, therefore, submits that the impugned order dated 01.09.2015 may be set aside and the matter be remitted back to the District Teacher Appellate Tribunal, Siwan



to decide his appeal on merit after giving an opportunity of hearing to the petitioner and other concerned parties.

5. Learned counsel appearing for the respondents-State submits that the selection process is already over in the year 2006 and therefore no purpose would be served in relegating the petitioner back to the District Teacher Appellate Tribunal, Siwan as he does not have a good case on merit.

6. Whether the petitioner has a good case on merit or not is something which the District Teacher Appellate Tribunal, Siwan can consider. The only limited question that arises for consideration at this point of time is whether the appeal filed by the petitioner should have been dismissed or rejected solely on count of delay particularly when the order dated 23.01.2015 passed in CWJC NO.23517 of 2013 had specifically used the expression “adjudication”, which meant deciding the issues on merit.

7. In light of the facts and circumstances stated above, the present writ application is allowed and the impugned order dated 01.09.2015 passed by the District Teacher Appellate Tribunal, Siwan is hereby set aside. The matter is remanded back to the District Teacher Appellate Tribunal, Siwan to decide the appeal filed by the petitioner on merit after hearing all



parties concerned. It would be appropriate if District Teacher Appellate Tribunal, Siwan could decide the entire matter within a span of six months from the date of production of a copy of this order in order to ensure that the case is not unnecessarily protracted. All the parties are directed to cooperate in the adjudication of the case.

8. With the aforesaid observation and direction, the present writ application is allowed to the aforesaid extent. Pending I.As, if any will be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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