

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13796 of 2017

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Ajay Kumar S/o Hajarilal Prasad Resident of Village Jhajhara, Block-Bankatawa, District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Primary Education, H.R.D. Govt. of Bihar, Patna.
3. The District Education Officer, East Champaran.
4. The District Program officer Establishment, Distt.- East Champaran.
5. The Block Development Officer, Block- Bankatawa, Distt-East Champaran.
null null
6. The Block Education Officer, Block- Bankatawa, Distt-East Champaran.
7. The Panchayat Secretary, Panchayat Raj Jhajhara, Block- Bankatawa, Distt.- East Champaran.
8. The Mukhiya, Panchayat Raj Jhajhara, Block- Bankatawa, Distt- East Champaran. null null
9. The Member , District Teacher Tribunal , East Champaran.
10. Abhay Kumar S/o Sri Indradev Singh Resident of Village- Bairiya Chainpur, Block- Bankatwa, Distt- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey
For the Respondent/s : Smt. Binita Singh, Sc-28

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the petitioner, learned
counsel for Respondent No. 10 and learned counsel for the
Respondent-State.

2. The petitioner in the present writ application has
challenged the order dated 18.04.2013 passed by Member
District Teacher Appellate Tribunal, East Champaran in Case
No. 848 of 2012 whereby and whereunder the appeal of the



petitioner has been rejected.

3. Learned counsel appearing for Respondent No. 10 and learned counsel for Respondent-State both have raised a preliminary objection as regards the maintainability of the present writ application contending that as against the order of the District Teacher Appellate Tribunal, the petitioner ought to have filed an appeal before the State Appellate Authority which has not been done. Hence, as per the Respondents, the present writ application has been filed by completely bypassing the statutory alternative remedy available to the petitioner. Hence, prayer is made for rejecting the writ application.

4. Upon the aforesaid objection raised by the Respondents, the learned counsel for the petitioner submits that the petitioner is willing to file an appropriate appeal before the State Appellate Tribunal if this Court could consider granting him the liberty to file the Appeal and further directing the State Appellate Authority to dispose of the Appeal which would be filed by the petitioner on merit.

5. To the aforesaid prayer made by the petitioner, the learned counsel for the Respondents do not have any objection.

6. Considering the limited nature of prayer being made by the learned counsel for the petitioner, this writ



application is disposed of granting liberty to the petitioner to file an appropriate appeal before the State Appellate Authority against order dated 18.04.2013 passed in Case No. 848 of 2012 by District Teacher Appellate Tribunal, East Champaran. The case must be instituted by the petitioner within one month from the date of passing of this order. In case the petitioner files the case within the stipulated time then the State Appellate Authority will consider and dispose of the same on merit after giving an opportunity of hearing to the petitioner. The entire exercise must be completed within a period of eight months from the date of filing of the case before the State Appellate Authority. Needless to emphasize that the order which would be passed by the State Appellate Authority must be a reasoned and speaking order.

7. With the aforesaid observation, direction and liberty granted, the present writ application is disposed of. All pending Interlocutory Applications, if any, will be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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