

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14398 of 2021

=====

Bibi Gulshan Ara wife of Amir Uddin resident of ward no.- 10, At and Post-Bagadahara, P.S.- Jokihat, Disst- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Education (Ministry of Human Resources Development Department) Bihar, Patna.
3. The Director, Primary Education Department (Ministry of Human Resources Development Department), Govt. of Bihar, Patna.
4. The Deputy Director, Primary Education Department (Ministry of Human Resources Development Department), Govt. of Bihar, Patna.
5. The District Magistrate, Araria, Disst- Araria.
6. The District Superintendent of Education, Araria, Disst- Araria.
7. The District Education Officer, Araria, Disst- Araria.
8. The District Appellate Authority, Araria, Disst- Araria.
9. The District Programme Officer (Establishment), Araria.
10. Block Development Officer, Jokihat Block, Disst- Araria.
11. Member, District Teachers Appointment Appellate Authority, Araria.
12. Mukhiya, Gram Panchayat Raj, Chaukata, Block- Jokihat, Disst- Araria.
13. Panchayat Secretary, Gram Panchayat Raj, Chaukata, Block- Jokihat, Disst- Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Siyaram Pandey, Advocate Mr. Dewesh Kumar Pandey, Advocate Mr. Santosh Kumar Jha, Advocate
For the Respondent/s	:	Mrs. Namrata Singh, AC to GA-12

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 24-03-2025 Heard Mr. Siyaram Pandey, learned counsel

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

 learned AC to learned GA-12 for the respondent/s.

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

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



reproduced hereinafter:

"1. That this is an application for issuance of a writ in the nature of writ of mandamus or an appropriate writ/writs, order/orders or direction/directions commanding the respondents (I) to appoint the petitioner, on the post of panchayat teacher in primary school Bhebpura Durgapur in Jokihat Block where she was earlier/initially appointed on 27-01-2007 in the same school, in compliance of the order dated 19-09-2012 passed in C.W.J.C. No. 14565/2010 whereby the operation of the order dated 12-08-2012, by which the service of the petitioner along with other 25 persons/employees were terminated, was ordered to be remain stayed till further order, if the fresh appointment has already not been made by the respondents, all the twenty five persons except the petitioner was appointed but petitioner was not appointed in a wrong, illegal and bad manner with all consequential benefits as due to the conspiracy done in connivance with the private person having similar name was appointed in place of the petitioner in a wrong, biased, arbitrary and illegal manner which is not sustainable in the eye of law.

(II) To dispose of the complaints pending before the District Appellate Authority (Araria) since 2016 (Respondent no.-8)(Annexure-)

(III) And/or be pleased to pass such other order or orders which may be deemed fit and proper in the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner informs that the petitioner has already availed remedy before the District Appellate authority, Araria, which is pending till date since the date, the case having been instituted in the year 2016. In that view, the petitioner seeks to avail remedy before the District Appellate Authority for the relief(s) as prayed for in the present writ petition.

4. The District Appellate Authority has apparently



failed to abide by the statutory period provided under rule 14 of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015, for adjudication of the case and the same appears to have not been followed in the present case. The District Appellate Authorities are constituted for efficacious remedy and the delay in the present case can only be said to be unwarranted.

5. The Chairman of the District Appellate Authority is directed to forthwith hear the appeal of the petitioner and dispose of the same in accordance with law considering the provision contained in Bihar Panchayat Primary Teacher (Appointment and Service Conditions) Rules, 2006 and as per the mandate under Article 311(2) of the Constitution of India.

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

(Purnendu Singh, J)

Niraj/-

U			
---	--	--	--

