

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17013 of 2021

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Kumari Nutan Kaushik D/o Shri Rameshwar Paswan Resident of Ward No. 37, Jagdishpur Dharmu, Paroo, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Education Department.
2. The Additional Chief Secretary, Education Department, New Secretariat, Vikash Bhawan, Patna, PIN- 800015.
3. The Director, Primary Education, Education Department, New Secretariat, Vikash Bhawan, Patna, PIN- 800015.
4. The District Magistrate, Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. The District Programme Officer, Establishment, Muzaffarpur.
7. The Block Development Officer, Sahebganj, District- Muzaffarpur.
8. The Block Education Officer, Sahebganj, District- Muzaffarpur.
9. The Mukhiya, Gram Panchayat Raj, Rajepur, Sahebganj, District- Muzaffarpur.
10. The Panchayat Secretary, Gram Panchayat Raj, Rajepur, Sahebganj, District- Muzaffarpur.
11. The Head Master, Primary School, Mangurahan, Rajepur, Sahebganj, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Navendu Kumar, Advocate
For the Respondent/s : Mr. Subash Chandra Mishra, (Sc16)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-07-2025 Heard Mr. Navendu Kumar, learned counsel

 appearing on behalf of the petitioner and Mr. Subash Chandra

 Mishra, learned SC16 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:-



“(i) For enforcement and compliance of the order passed on 16.03.2020 by the Learned District Appellate Authority (Education Department), Muzaffarpur in the Case no. 13/2018, by which the Head Master, Primary School, Mangurahan (Respondent no. 11) was directed to accept the joining of the petitioner and ensure the payment of her salary in accordance with law;

And/or

The respondent numbers 1 to 3 may be directed to appoint a Chairman and Members of the District Appellate Authority (Education Department), Muzaffarpur, so that the petitioner may approach the said authority for implementation/execution of their order dated 16.03.2020 in the aforesaid case of the petitioner

(ii) To pass such other order or orders as may be deemed fit and proper in the interests of justice.”

3. At the outset, learned counsel appearing on behalf of petitioner submitted 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.

4. 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.

5. 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.”

6. 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.

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

(Purnendu Singh, J)

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