

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2552 of 2024**

**In**  
**Civil Writ Jurisdiction Case No.9165 of 2013**

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Vivekanand Vivek Panchayat Teacher, Posted at Primary School, Tengahara  
Southern Tola Gram Panchayat Malaypur, P.S - Barhat, District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, H.R.D., Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Jamui.
5. The District Education Officer, Jamui.
6. The District Teachers Appointment Appellate Authority, Jamui Through Its Member.
7. The District Programme Officer Est. H.R.D., Jamui.
8. The Block Development Officer, Barhat, Jamui.
9. The Block Education Officer, Barhat, Jamui.
10. The Mukhiya Gram Panchayat, Malaypur, Jamui.
11. The Panchayat Secretary, Gram Panchayat, Malaypur, Jamui.
12. Ramdeo Yadav S/o Late Tilak Yadav, Resident of Village- Tengahara, P.O.- Malaypur, P.S.- Barhat, District - Jamui.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Chandra Shekhar Singh

For the Opposite Party/s : Mr. Additional Advocate General 13

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

ORAL ORDER

- 5      19-03-2025      1. Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.
2. This application has been filed for modification of the  
order, dated 08.04.2024, passed in CWJC No. 9165 of  
2013, whereby the writ application was disposed with  
liberty to the writ petitioner-opposite party no. 12 in this  
application to file an appeal against the order passed by



District Teacher Appointment Appellate Authority before the Regional Deputy Director of Education within a period of one month. The Court also observed that if such an appeal is filed, the Regional Deputy Director of Education shall be obliged to consider the same in accordance with law. With further observation that “status quo existing as on today shall be maintained till disposal of the appeal by the Regional Deputy Director of Education.”

3. Learned counsel for the petitioner submits that dispute in the writ application was regarding appointment of Panchayat Teacher in selection process of the year 2008, in which, modification applicant-petitioner was selected as Panchayat Teacher. The opposite party no. 12 challenged the selection of the modification applicant-petitioner before the District Appellate Authority, Jamui, in appeal, bearing no. 90 of 2011. The appeal filed by the opposite party no. 12 was dismissed on 08.09.2011. Being aggrieved by the dismissal of the appeal, the opposite party no. 12 challenged the same in CWJC No. 9165 of 2013, which was disposed vide order, dated 08.04.2024.
4. Learned counsel further submits that despite the order having been passed directing the opposite party no. 12 to



approach the Regional Deputy Director of Education within one month from the date of disposal of the order, the opposite party no. 12 chose not to prefer any appeal before the Regional Deputy Director of Education.

5. Since, the functioning of the modification applicant-petitioner was stayed by this Court in the writ application filed by the opposite party no. 12 vide, dated 01.12.2016, and the status quo order having been passed by this Court at the time of disposal of the writ petition, the modification applicant-petitioner has not been allowed to work as a teacher for the last nine years.
6. Accordingly, the submission is that the order, dated 08.04.2024, may be modified to the extent that the modification applicant-petitioner may be allowed to work till disposal of the appeal filed by the opposite party no. 12.
7. On the other hand, learned counsel for the opposite party no. 12 submits that the writ petitioner was contemplating to file the appeal, but by virtue of the Division Bench order, the functioning of the State Appellate Authority has been restored, as such, the order, dated 08.04.2024, may be modified to the extent that the opposite party no. 12 be given liberty to file an appeal before the State Appellate



Authority within a period of one month from today.

8. Having heard rival submissions of the parties and considering the entire aspect in totality, I am of the opinion that it is expedient to modify the order, dated 08.04.2024, to the extent that the opposite party no. 12-writ petitioner is directed to prefer an appeal before the State Appellate Authority positively within a period of one month from today.
9. If the appeal is not filed within a period of one month, the status quo granted by the Court vide order, dated 01.12.2016, shall stand vacated.
- 10.If the appeal is filed within a period of one month by the opposite party no. 12-writ petitioner, in that case, the status quo order shall continue till the disposal of the appeal, in accordance with law.
11. Accordingly, this application is allowed to the extent indicated above.

(Anil Kumar Sinha, J)

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