

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16863 of 2025

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Kumari Indrasan, W/o Sanjeev Kumar, R/o Village Saidpur Dumra, P.S.
Patepur, District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director, the Primary Education (Education Department) of Bihar, New Secretariat, Patna.
3. The District Magistrate, Vaishali.
4. The District Education Officer, Vaishali.
5. The District Programme Officer (Establishment), Vaishali.
6. The Block Development Officer, Patepur, Vaishali.
7. The Block Education Officer, Patepur, Vaishali.
8. The Panchayat Secretary, Gram Panchayat Raj, Govindpur Bela, Patepur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Prashant Pratap, GP- 2

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 10-11-2025

Heard Mr. Shashi Bhushan Kumar, learned
Advocate for the petitioner and Mr. Prashant Kumar, learned
GP-2 for the State.

2. The short question for consideration before this
Court is as to whether the State Appellate Authority constituted
under Bihar State Teaching Institution Teacher and Employees
(Dispute Redressal and Appeal) Rules, 2020 (hereinafter



referred to as 'the Rules, 2020') entertain an appeal preferred against the interim order of the District Appellate Authority and proceed in the matter itself.

3. Before coming to the issue raised before this Court, the brief facts of the case are that the petitioner had applied for the post of Panchayat Teacher under Gram Panchayat Raj, Govindpur Bela, Patepur, Vaishali against the post of physically handicapped long back in the year, 2008. However, on account of a complaint being made regarding genuineness of the disability certificate of the petitioner, an enquiry was conducted at the level of the Civil Surgeon, Samastipur. On being satisfied with the genuineness of the certificate, finally the petitioner was duly appointed and posted in Navsrijit Primary School, Musahi vide Letter No. 3 dated 14.08.2010. Subsequent thereto, the petitioner also cleared Primary Evolutionary test 2013 and further obtained the Service Training i.e. Diploma in Primary Education (Distance Education) in Sessions 2016-19.

4. In the year, 2021, again on a complaint made by a person, the petitioner was directed to appear before the Chief Medical Officer, Vaishali. In pursuant to the direction of the District Programme Officer (Establishment), Vaishali, the



petitioner ensured his appearance, however, all of a sudden the services of the petitioner came to be terminated vide memo No. 1994 dated 27.05.2022. This order was put to challenge before the State Appellate Authority in O.A. No. 230 of 2022. Vide order dated 04.01.2023, the State Appellate Authority directed to reinstate the petitioner and accordingly he was reinstated. The matter did not rest here, again the appointment of the petitioner was cancelled on the ground of his handicapped percentage declared to be '0' (zero) vide Memo No. 3036 dated 26.06.2023, which order was again put to challenge before the District Appellate Authority.

5. The order of cancellation of appointment was further set aside and the matter relegated for reconsideration in terms with the order of the State Appellate Authority, as aforementioned. The District Education Officer once again came out with the termination order of the petitioner vide Memo No. 444 dated 14.05.2025. It is this order, which was questioned in Case No. PAP-110/2025 before the District Appellate Authority, Vaishali.

6. The District Appellate Authority, on being found that before issuance of the order of termination, no verification regarding genuineness of the Medical Certificate was done,



vide order dated 14.05.2025 issued show-cause to the District Education Officer, Vaishali and directed to place on record all the report relating to verification of disability certificate of the petitioner. The District Education Officer, Vaishali, instead of filing show-cause and bringing on record the relevant records, straightway rushed to the State Appellate Authority by challenging the order dated 14.05.2025. The State Appellate Authority not only entertained the appeal, but stayed the operation of the order passed by the District Appellate Authority and directed the respondent-petitioner along with Panchayat Secretary of the Gram Panchayat Raj, Govindpur Bela, Patepur, Vaishali to file counter affidavit.

7. While assailing the impugned order, learned Advocate for the petitioner submitted that the manner, in which the State Appellate Authority has proceeded would certainly amount to usurping all the power of the District Appellate Authority. It is the fact that the petitioner has been discharging his duty as a Panchayat Teacher for more than a decade and, as such, there was no illegality in directing the respondent authorities to file show-cause affidavit and till the decision is taken by the District Appellate Authority, the order of termination was put to stay. Nonetheless, the State Appellate



Authority has usurped the power of the District Appellate Authority and proceeded further to decide the matter by staying the operation of interim order dated 14.05.2025.

8. Mr. Prashant Pratap, learned Advocate for the State submitted that so far the maintainability of the appeal is concerned, there is no doubt once the order has the effect of track and trapping of the final order or a right has been decided for the time being, the order can be put to challenge before the State Appellate Authority.

9. Taking this Court through Clause 14(c) of the Rules, 2020, it is submitted that undoubtedly the State Appellate Authority may hear the appeal against the decision of the District Appellate Authority. The decision envisages any decision, including interim order, affecting the right of the parties, hence it may be put to challenge before the State Appellate Authority.

10. Submission of the learned Advocate for the State was refuted by the learned Advocate for the petitioner.

11. Having considered the submission advanced by the learned Advocate for the respective parties and taking note of the specific prescriptions, as provided under Rule 14 of the Rules, 2020, especially, Rule 14(C), which empowers the State



Appellate Authority to hear the appeal against any decision of the District Appellate Authority. Suffice it to observe that a decision is a broad term that includes both interim/interlocutory orders and final order/judgment. Hence this Court has no hesitation to conclude regarding the power of the State Appellate Authority to entertain the appeal against the interim order. However, having considered the order passed by the State Appellate Authority, this Court finds that there is no whisper in the order itself as to why the order of the District Appellate Authority granting stay is bad in law.

12. Before passing the order, the District Appellate Authority has exhaustively taken note of all the facts and based upon which he comes to the conclusion that till final decision is passed, the order of termination shall remain stayed. This Court does not find any illegality in the order. The order passed by the State Appellate Authority in Appeal No. 256 of 2025, in the opinion of this Court, is unsustainable, as such, the same stands set aside.

13. The matter is relegated to the District Appellate Authority, who shall proceed in the matter in accordance with law.

14. It is expected that the District Teachers



Appellate Authority shall conclude the case, bearing PAP No. 110 of 2025, preferably within a period of three months from the date of receipt/production of a copy of this order after giving proper opportunity to all stake holders. The State respondents/authorities are also directed to cooperate in the matter.

15. The writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.11.2025
Transmission Date	NA

