

**STATE APPELLATE AUTHORITY**  
**DEPARTMENT OF EDUCATION, BIHAR**

**“The State Appellate Authority (Procedure, Form, Fee and Practice) Guidelines, 2016”**

**CHAPTER-I**

**1. Short Title and Commencement:**

- (1) These Guidelines may be called **“The State Appellate Authority (Procedure, Form, Fee and Practice) Guidelines, 2016”**.
- (2) They shall come into force on the date of their publication.

**2. Definitions:**

- (a) **“Act”** means the Right to Education Act, 2009.
- (b) **“Authority”** means the State Appellate Authority established under rule 3(2) of Bihar State School Teachers and Employees Disputes Redressal Rules, 2015.
- (c) **“Chairperson”** means the Chairperson of the State Appellate Authority appointed under rules 7(2) of “The Bihar State School Teachers and Employees Disputes Redressal Rules, 2015” (BSSTEDR Rules, 2015).
- (d) **“Legal Practitioner”** means an Advocate under the Advocates Act, 1961 (25 of 1961) including a Standing Counsel or a Government Pleader and his Assistants authorised to represent an individual, an association, a department or organisation of the Government or an Authority, a Corporation or a body owned or controlled by the Government.
- (e) **“Registry”** means the Registry of the Authority.
- (f) **“Rules”** means the Bihar State School Teachers and Employees Disputes Redressal Rules (BSSTEDR Rules), 2015 (as amended from time to time).
- (g) **“Secretary”** means the Secretary of the Authority and includes any other officer of the Authority to whom the powers and functions of the Secretary may be delegated or assigned or who is authorised to act as such by the Authority;
- (h) **“Pleadings”** means appeals, supplementary applications, counter affidavit, supplementary counter affidavit, reply to counter affidavit or supplementary reply to counter affidavit.
- (i) Words not defined in these Guidelines shall have the same meaning as assigned to them respectively in the Act or the Rules.

**3. Forms:** The forms Prescribed in these Guidelines with such modifications or variations approved by the Authority as the circumstances of each case may require, shall be used for the purpose mentioned therein and where no form is prescribed to cover a contingency, a form as may be approved by the Secretary, shall be used.

**4. Format of order, direction or rule etc:** Every rule, direction, order, summons or other mandatory process shall be issued in the name of the Chairperson and shall be signed by the

Secretary or any other officer specifically authorised in that behalf by the Chairperson with the date, month and year of signing and shall be stamped with the seal of the Authority.

5. **Sitting Hours of the Court:** The sitting hours of the Court shall ordinarily be from 10.30 AM to 1.30 PM and from 3.00 PM to 4.30 PM during all working days, subject to any other order made by the Chairperson.

6. **Working Hours of the Authority:**

(1) The office of the Authority shall remain open on all working days from 9.30 AM to 6.00 PM.

(2) The Filing Counter of the Registry of the Authority shall remain open on all working days from 10.00 AM to 5.00 PM.

7. **Calendar:** The Calendar of working days and holidays for the Authority shall be the same as the Calendar for Government Secretariat.

## **CHAPTER II**

### **INSTITUTION OF PROCEEDINGS**

8. **Procedure for Proceedings:**

(j) Every appeal or application or subsequent submissions presented to the Authority shall be in English or in Hindi and shall be fairly and legibly type written, or printed in double spacing on one side of standard A-4 size paper.

(ii) The cause title of the appeal shall state "In the State Appellate Authority" and shall specify the jurisdiction, and also set out the proceedings or order of the District Appellate Authority against which the appeal is preferred.

(iii) Appeal shall be divided into paragraphs and shall be numbered consecutively and each paragraph shall contain as nearly as may be, a separate fact or allegation or point.

(iv) Full name, parentage and description of each party, postal address, mobile number and e-mail, if any, shall be written in the Appeal.

(v) The names of parties shall be numbered consecutively and a separate line(s) should be allotted to the name and description of each party. These numbers shall not be changed during the entire proceeding and in the event of the death of a party during the pendency of the appeal or application, name(s) of his/her legal heir(s) or representative(s), as the case may be, shall be substituted and names of more than one heirs or representatives shall be shown by sub-numbers. Where fresh parties are brought in, they may be numbered consecutively in the particular category, in which they are brought in.

9. **Presentation of Appeal:**

(i) Every appeal along with attached documents shall be filed on affidavit by the appellant in person or by his advocate duly appointed in this behalf, in the prescribed form (Form-I) with stipulated fee along with valid *Vakalatnama* at the filing counter.

(ii) Every appeal shall be accompanied by a certified copy of the impugned order.

- (iii) All documents filed with the appeal shall be accompanied by an index containing their details.
- (iv) In the pending matters, all subsequent applications shall be presented after serving their copies in advance on the opposite parties or their advocates on record.

10. **Endorsement and Scrutiny of appeal:**

- (1) If, on scrutiny, the appeal is found to be defective, information through SMS or e-mail shall be sent to the appellant and the appeal in original shall be handed over to the appellant for removal of defect and if there is a failure to comply within 15 days from the date of return, the same shall be placed before the Secretary who will pass appropriate orders.
- (2) Where the party fails to take steps for the removal of the defect within 15 days, the Secretary may, for reasons to be recorded in writing, decline to register.

11. **Admission:** All the defect free appeals shall be placed before the Chairperson for admission. The Chairperson may either admit it or order it to be listed for admission with the date, time and name of the Bench, which will be constituted with one or more Chairpersons. Date and time of the hearing will be communicated through SMS or e-mail or written notice to all parties and be notified on the Notice Board and/or on the Website of the Authority for the information of appellants and respondents including their Advocates on records.

12. **Calling for Records:** On the admission of appeal, the Secretary shall, if so directed by the Chairperson, call for the records relating to the proceedings from the respective office and return the same at the conclusion of the proceedings or at any other time.

13. **Production of Authorisation for and on behalf of an Association:** Where an appeal is purported to be filed by or on behalf of an Association, the person or persons who sign(s) or verify(ies) the same shall produce along with such appeal, for verification by the Registry, a true copy of the resolution of the Association empowering such person(s) to do so:

Provided that the Secretary may at any time call upon the party to produce such further materials as he deems necessary for satisfying himself about due authorisation:

14. **Interlocutory Application:** Every Interlocutory application for stay, direction, condonation of delay or extension of time or for any other purpose related to the appeal shall be filed on affidavit in prescribed Form (Form-II) and the requirements prescribed in that behalf shall be complied with by the applicant.

15. **Procedure on production of defaced, torn or damaged documents:** When a document produced, appears to be defaced, torn, or in any way damaged or otherwise its condition or appearance requires special notice, a mention regarding its condition and appearance shall be made by the party producing the same in the index and the same shall be verified and initialled by the officer authorised to receive the same.

## CHAPTER III

### CAUSE LIST

16. **Preparation and Publication of Daily Cause List:**

The Registry shall prepare and publish on the Notice Board of the Registry and/or on website before the closing of working hours on each working day, the cause list for the next working day.

17. **Carry forward of Cause List and Adjournment of cases on account of non-sitting:**

- (1) If by reason of declaration of holiday or for any other unforeseen reason, the Daily Cause List for that day is not taken up, unless otherwise directed, shall be treated as the Daily Cause List for the next working day in addition to the cases already posted for that day.
- (2) When the sitting of a Bench is cancelled for any reason, the Secretary shall, unless otherwise directed, adjourn the cases posted before that Bench to a convenient date. The adjournment or posting or directions shall be notified on the Notice Board and/or the Website of the Authority.

## CHAPTER IV

### RECORD OF PROCEEDINGS

18. **Statutes or Citations for Reference:** The parties or legal practitioners shall, before the commencement of the proceedings for the day, furnish to the Court Master a list of law journals, reports, statutes and other citations, which may be needed for reference with a xerox copy of full text thereof, duly signed by them.

## CHAPTER V

### SERVICE OF PROCESS/APPEARANCE OF RESPONDENTS AND OBJECTIONS

19. **Service of notice:**

- (1) The Appellant shall serve copies of the appeal along with attached documents on the Government Counsel and attach the proof of service along with the appeal to be filed before the Authority, on Affidavit.
- (2) The Authority may also order the appellant for service of notice on the other side by dasti and in such cases proof of services shall also be filed on affidavit.

20. **Summons and Notices:** Whenever summons or notices are ordered to be served on private respondent(s), the appellant, unless he has already served on the other side in advance, shall arrange to serve the copy of appeal by registered post or speed post or dasti and file on affidavit the proof of service before the date fixed for hearing.

21. **Steps for issue of fresh notice:** If any notice is returned unserved in the circumstances not specified in clause 22, that fact shall be notified immediately on the Notice Board of the Registry or/and on website. The appellant or his advocate shall within seven days

from the date of such notification, take steps to serve the notice afresh with the leave of the Authority.

22. **Consequence of failure to take steps for issue of fresh notice:** Where, after a notice has been issued to the other side, and returned unserved, and the appellant, fails to take necessary steps within the period ordered by the Authority, to serve notice on the opposite party, the Secretary shall post the case before the Bench for further directions.

23. **Failure of respondent to appear and consequences:** Where the respondent, despite effective service of summons or notice on him does not appear on the date fixed for hearing, the Authority may proceed to hear the appeal or application ex-parte and pass final order on merits.

Provided that in such a case, it is open to the Authority to seek the assistance of any counsel as it deems fit, if the matter involves intricate and substantial questions of law having wide ramifications.

## CHAPTER VI

### **FEE ON APPLICATION/APEAL, PROCESS FEE AND AWARD OF COSTS**

24. **Fee payable on Appeal or Application etc.:**

- (1) Fee for filing appeal or application including interlocutory application, enclosures or annexures, lodging caveat and process fee shall be, as prescribed in the Schedule of fees appended to these Guidelines.
- (2) The fee and process fee shall be deposited in the State Appellate Authority in the form of a Demand Draft or Indian Postal Order favouring the "State Appellate Authority", payable at PATNA or by submitting original receipt or Challan for cash deposited in the Bank account of the Authority, namely "State Appellate Authority", S.B. A/c No.8531101013461 in Canara Bank, Vidyut Bhawan Branch, Patna, IFSC Code-CNRB 0008531.
- (3) The Authority may, in suitable cases, waive payment of such fee or portion thereof, taking into consideration the economic condition of the applicant or appellant or any other person.
- (4) The State Appellate Authority shall review the fee prescribed for various purposes after every two years and the Schedule of fee may be amended by a Notification.

25. **Award of costs in the proceedings:**

- (1) Whenever the Authority deems fit, it may award costs on a party for meeting the legal expenses of the other party(ies) as per schedule of Fees attached.
- (2) The Authority may in suitable cases direct appellant, applicant, opposite party or respondent to bear the cost of litigation of the other side, and in case of abuse of process of court, impose exemplary costs on erring party.

## CHAPTER VII

### INSPECTION OF RECORD

26. **Inspection of the records:**

- (1) The parties to any Appeal or Application or their Counsels may be allowed to inspect the record of the case by making an application in prescribed format (Form-III) to the Secretary along with fee prescribed therein.
- (2) Subject to such terms and conditions as may be prescribed by the Chairperson by a general or special order, a person who is not a party to the proceeding, may also be allowed to inspect the record of proceedings after obtaining the permission of the Secretary in writing.

27. **Grant of inspection:** Inspection of records of a pending or decided case shall be allowed only on the order of the Secretary.

28. **Application for grant of inspection:**

- (1) Application for inspection of record under sub-clause (1) and (2) of clause 26 shall be in the form prescribed and presented at the filing counter of the Registry between 10.30 A.M and 12.30 P.M. And between 3.00 P.M. and 4.30 P.M. on any working day and two days before the date on which inspection is sought, unless otherwise permitted by the Secretary.

29. **Fee payable for inspection:** Fee for inspection of records as given in the Schedule of fees appended to these Guidelines shall be payable by way of Demand Draft or Indian Postal Order to be drawn in favour of State Appellate Authority or by cash deposited in the Bank Account of the Authority.

## CHAPTER VIII

### APPEARANCE OF LEGAL PRACTITIONER

30. **Appearance of legal practitioners:** Subject to as hereinafter provided, no legal practitioner shall be entitled to appear and act, in any proceeding before the Authority, unless he files in the Authority a *Vakalatnama* in the prescribed form duly executed by the party.

31. **Nomination or engagement of another legal practitioner:** Where a legal practitioner who has filed the *Vakalatnama* engages or nominates another legal practitioner to appear and argue his client's case but not to act for the client, the Authority may permit such other legal practitioner to appear and argue on an oral request made before commencement of the proceedings.

32. **Restrictions on appearance:** A legal practitioner who has tendered advice in connection with the institution of any case or other proceeding before the Authority or has drawn pleadings in connection with any such matter or has during the progress of any such matter acted for a party, shall not, appear in such case or proceeding or other matter arising

therefrom or in any matter connected therewith for any person whose interest is opposed to that of his former client, except with the prior permission of the Authority.

33. **Form and execution of Vakalatnama:**

- (1) Every *Vakalatnama* authorising a legal practitioner to plead and act on behalf of a party shall be in the prescribed Form (Form-IV) and the name of the legal practitioner so appointed shall be inserted in the *Vakalatnama* before it is executed and it shall be dated at the time of its execution and acceptance and its execution shall be attested by a notary or a gazetted officer of the Government or a legal practitioner other than the legal practitioner accepting the *Vakalatnama*.
- (2) The Person attesting the *Vakalatnama* under sub rule (1) shall certify that it has been duly executed in his presence and subscribe his signature giving his name and designation. Attestation shall be made only after the name of the legal practitioner is inserted in the *Vakalatnama* before its execution. When a *Vakalatnama* is executed by a party who appears to be illiterate, blind or not acquainted with the language of the *Vakalatnama*, the attester shall certify that the *Vakalatnama* was translated, read and explained in his presence to the executant, in the language known to such executant, that he seemed to understand it and that he signed or affixed his thumb mark in his presence with full knowledge and understanding.
- (3) Every *Vakalatnama* shall contain an endorsement of acceptance by the legal practitioner in whose favour it is executed and shall also bear his address and mobile number for service and if the *Vakalatnama* is in favour of more than one legal practitioner, it shall be signed and accepted by all of them, giving the address for service of any one of them.

34. **Party's right to be heard:** The party who has engaged a legal practitioner to appear for him before the Authority shall be entitled to be heard in person with the permission of the Bench.

35. **Professional dress for the Advocate:** While appearing before the Authority, the Advocate shall wear the same professional dress as prescribed for appearance before the Court, in Advocates Act, 1961.

## **CHAPTER IX**

### **AFFIDAVITS**

36. **Form of Affidavits:** Every Affidavit shall be sworn or affirmed in Form-V.

37. **Contents of the Affidavit:** The Affidavit shall conform to the requirements of order XIX, rule 3 of Code of Civil Procedure, 1908 (4 of 1908)

38. **Affidavits:** Affidavits may be sworn or affirmed as per the provisions laid down in section 139 of Code of Civil Procedure, 1908.

39. **Affidavits of illiterate, blind persons:** Where an affidavit is sworn or affirmed by a person who appears to be illiterate, blind or unacquainted with the language in which the Affidavit is written, the attester shall certify in Form-VI that the affidavit was translated, read or

explained by him or in his presence to the Deponent and that he seemed to understand it, and made his signature or thumb mark in the presence of the attester.

40. **Identification of Deponent:** If the deponent is not known to the attester, his identity shall be testified by a person known to him and the person identifying shall affix his signature in token thereof. In addition, the attester shall take from the deponent either his Voter I-Card, or Driving License or PAN Card or Ration Card or ADHAR Card or Photo Identity Card issued by the employer as his identity proof

41. **Annexures to the Affidavit:** Document(s) accompanying an Affidavit shall be referred to therein as Annexure(s) number and the attester shall make the endorsement thereon that this is the document marked as (putting the Annexure number in the affidavit). The attester shall sign on every document and shall mention the name and his designation.

## **CHAPTER X**

### **DISCOVERY, PRODUCTION AND RETURN OF DOCUMENTS**

42. **Application for production of documents, form of summons:**

- (1) Except otherwise provided hereunder, discovery or production and return of documents shall be regulated by the provisions of the Code of Civil Procedure, 1908.
- (2) An application for summons to produce document(s) shall be on plain paper setting out the description of the document(s) the production of which is sought, the relevancy of the document(s) and in case where the production of a certified copy would serve the purpose, whether application was made to the proper officer and the result thereof.
- (3) A summons for production of documents in the custody of a public officer other than a court shall be in Form-VII and shall be addressed to the concerned Head of the office or such other authority as may be specified by the Authority.

43. **Suo Motu summoning of documents:** Notwithstanding anything contained in these Guidelines, the Bench may, suo motu, issue summons for production of documents in the custody of a public officer.

44. **Marking of documents:**

- (1) The documents when produced shall be marked as follows:
  - (a) If relied upon by the appellant(s) or applicant(s), they shall be numbered and marked as **'A' Series**.
  - (b) If relied upon by the opposite party or respondent(s), they shall be numbered and marked as **'B' Series**.
  - (c) The Authority exhibits shall be marked as **'C' Series**.

45. The applicant(s)/appellant(s) shall deposit in the Authority by way of cash deposit in the Bank Account of the Authority; namely "State Appellate Authority", S.B. A/c No.8531101013461 of Canara Bank, Vidyut Bhawan Branch, Patna, IFSC Code CNRB 0008531 or by Demand Draft or Indian Postal Order drawn in favour of the "State Appellate Authority", payable at PATNA a sum sufficient to defray the expenses for transmission of the records, as determined by Deputy Secretary.



46. **Return and transmission of documents:**

- (1) An application for return of the documents produced shall be numbered. No such application shall be entertained after the destruction of the records.
- (2) The Authority may, at any time, direct return of documents produced subject to such conditions as it deems fit.

**CHAPTER XI**

**EXAMINATION OF WITNESSES AND ISSUE OF COMMISSIONS**

47. **Procedure for examination of witnesses, issue of Commissions:** The provisions of the Orders XVI and XXVI of the Code of Civil Procedure, 1908, shall mutatis mutandis apply in the matter of summoning and enforcing attendance of any person and examining him on oath and issuing commission for the examination of witnesses or for production of documents.

48. **Form of oath or affirmation to witness:** Oath shall be administered to witness in the following form:

“I do swear in the name of God/solemnly affirm that what I shall state shall be truth, the whole truth and nothing but the truth”.

49. **Form of oath or affirmation to interpreter or/and translator:** Oath or solemn affirmation shall be administered to the interpreter or/and translator in the following form before his assistance is taken for examining a witness:

“I do swear in the name of God/solemnly affirm that I will faithfully and truly interpret and explain all questions put to and evidence given by witness and translate correctly and accurately all documents given to me for translation.”

50. **Officer to administer oath:**

The oath or affirmation shall be administered by the Court Master.

51. **Form for recording of deposition:**

- (1) The Deposition of a witness shall be recorded in Form-VIII.
- (2) Each page of the deposition shall be initialled by the Member(s) constituting the Bench.
- (3) Corrections, if any, pointed out by the witness may, if the Bench is satisfied, be carried out and duly initialled. If the Bench is not satisfied, a note to that effect shall be appended at the bottom of the deposition.
- (4) **Numbering of witnesses:** The witnesses called by the appellant/applicant shall be numbered consecutively as PWs and those by the opposite party or respondents as RWs.

- (5) **Grant of discharge certificate:** Witness discharged by the Bench may be granted a Certificate in Form-IX by the Secretary.
- (6) **Witness bhatta payable:** Where the Bench issues summons to a Government servant to give evidence or to produce documents, the person so summoned may draw from the Government travelling and daily allowances admissible to him as per Government Rules.

## CHAPTER XII

### **PRONOUNCEMENT OF ORDERS**

52. **Judgment:** The final decision of the Bench on an application or appeal before the Authority shall be described as Judgment.

## CHAPTER XIII

### **MISCELLANEOUS**

53. **Filing through Electronic Media:** The Authority may allow filing of appeal or application through electronic media such as online filing from a date to be notified separately and provide for rectification of defects by e-mail or net and in such filing, these Guidelines shall be adopted and the Authority may issue instructions in this behalf from time to time.
54. **Schedule of Fees and Forms:** Schedule of Fees and prescribed Forms I-IX are attached herewith.
55. **Removal of difficulties and issue of directions:** Notwithstanding anything contained in these Guidelines, wherever the Guidelines are silent or no provision is made, the Authority may issue appropriate directions to remove difficulties and issue such orders to govern the situation or contingency that may arise in the working of the Authority.



(Umesh Narayan Panjari)  
Chairperson

Memo No- SAA/Estab-58/2016...343..... Patna, Dated...16/11/2016.....

Copy to:-

- 1 Principal Secretary, Education Department, Bihar, Patna
- 2 Secretary, Education Department, Bihar, Patna
- 3 Director (Primary Education), Bihar, Patna
- 4 Shri G.P. Ojha, Govt. Counsel for State Appellate Authority, Education Department, Bihar, Patna - for information please.



(Rajesh Thadani)  
Secretary

Memo No- SAA/Estab-58/2016.....343.....

Patna, Dated.....16/11/2016.....

Copy to Deputy Secretary (Processing) with the instruction to upload a copy of it on the website of the State Appellate Authority.



Secretary

**State Appellate Authority**  
**Schedule of Fees**

1. Application fee (Clause 9 )	Rs. 100/-
2. Fee for inspection of records of decided/pending case (Clause 29)	Rs. 100/-
3. Issue of I-Card to registered clerk?	Rs. 100/-
4. Cost-Unless otherwise quantified by the Authority (Clause 25)	
i. Expenses	Rs. 1000/-
ii. legal practitioner's fee	Rs. 300/-
5. Application for grant of certified copy	Rs. 100/-
6. Application for copies of documents other than order (by person not parties to the proceedings)	Rs. 1000/-
7. Copying fee - Ordinary copy	Rs. 2 per page
Urgent copy	Rs. 5/- per page
8. Request for certified copy to be sent by post additional fee of beyond the charges.	Rs. 10/-

**FORM – I**

**[ See Clause 9 ( 1 ) ]**

**IN THE STATE APPELLATE AUTHORITY, PATNA  
APPELLATE JURISDICTION APPEAL NO. \_\_\_\_\_ OF 201**

**CAUSE TITLE**

Between

A.B. ....Appellant (s) And

C.D. ....Respondent(s)

1. Details of Appeal

[Appeal against impugned order of the (adjudicating officer/appropriate Authority) dated .....passed.

2. i) Full name, parentage, description and postal address of the appellant, including mobile number and e-mail.  
ii) Name of advocate, if any with mobile number and e-mail.
3. Postal address of the Respondent(s) with their mobile number and e-mail.

4. Jurisdiction of the Appellate Authority.

5. Limitation

The Appellant(s) declare that the appeal is within the period of 30 days, prescribed in the Rules (explain how the appeal is within the period prescribed). In case the appeal is barred by limitation, the number of days of delay should be given along with Interlocutory Application for condonation of delay.

6. Facts of the case in chronological order:

7. Grounds of Appeals :

8. Reliefs Sought for:

Dated at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20..... .

9. Matters not previously filed or pending with any other Court

The appellant declares that the petitioner/appellant has not filed any Writ Petition or Suit regarding the matter in respect of which this appeal is preferred or the appellant had filed a writ petition / suit which has been disposed-off ( a copy of the order is attached).

10. Details of appeal(s), if any, preferred before this Appellate Authority against the same impugned order/direction.

11. Receipt of payment of fee, details of (bank challan/ bank draft).

12. List of enclosures :

- 1.
- 2.
- 3.
- 4.

**Counsel for Appellant(s)**

**Appellant (s)**

### **DECLARATION BY APPELLANT**

The appellant(s) above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the original(s)/fair reproduction of the originals/true translation thereof.

Verified at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20..... .

Counsel for Appellant(s)

**APPELLANT(S)**

**VERIFICATION**

I \_\_\_\_\_ (name of the appellant ) S/o, W/o, D/o. ....  
[indicate any one, as the case may be].....age.....  
working as ..... in the office of .....  
resident of ..... do hereby verify that the contents of the paras  
are true to my personal knowledge/derived from official record) and para  
to ..... are believed to be true on legal advice and that I have not  
suppressed any material facts.

Date :

Place :

**Signature of the Appellant or authorised officer**

**FORM II**

**[See Clause 14]**

**INTERLOCUTORY APPLICATION**

**IN THE STATE APPELLATE AUTHORITY, PATNA**

**IA NO. \_\_\_\_\_ OF 20.....**

**In**

**Appeal/Case No. \_\_\_\_\_ of 20.....**

**CAUSE TITLE**

Set out the Appeal/Case No. \_\_\_\_\_ of 20.....

Appeal/ Petition short cause title

Set out the 1. Appeal/Case No. \_\_\_\_\_ 20.....

Cause Title – Interlocutory Application

**Petition for stay/direction/dispense with/condone delay/calling records**

The applicant above named state(s) as follows :

1. Set out the relief(s)
2. Brief facts
3. Basis on which interim orders prayed for
4. Balance of convenience, if any :

(All interlocutory applications shall be supported by an affidavit sworn by the

Applicant/on its behalf and attested by a Notary Public).

**DECLARATION**

The applicant above named hereby solemnly declare that nothing material has been concealed or suppressed and further declare that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the originals or fair reproduction of the originals or true translation thereof.

Verified at \_\_\_\_\_ dated on this day \_\_\_\_\_ of \_\_\_\_\_ 20.....

**Counsel for Applicant**

**Applicant**

**VERIFICATION**

I \_\_\_\_\_ (name of the applicant) S/o,W/o,D/o (indicate any one, as the case may be ) \_\_\_\_\_ age \_\_\_\_\_ working as \_\_\_\_\_ in the office of resident of \_\_\_\_\_ do hereby verify that the contents of the paras \_\_\_\_\_ to \_\_\_\_\_ are true to my personal knowledge/ derived from official record ) and para \_\_\_\_\_ to \_\_\_\_\_ are believed to be true on legal advice and that I have not suppressed any material facts.

Date :

Place :

**Signature of the Appellant/Petitioner or authorised officer**



**FORM- III**

[See Clause-26]

**IN THE STATE APPELLATE AUTHORITY, PATNA**

Appeal/Case No. ....of 20.....

..... Appellant(s)

vs

..... Respondent(s)

**Application for Inspection of Documents/Records under Clause-26**

I hereby apply for grant of permission to inspect the documents/records in the above case. The details are as follows :-

1. Name and address of the person seeking inspection :

\_\_\_\_\_

2. Whether he is a party to the case/his Legal Practitioner and if so, his rank therein.

\_\_\_\_\_

3. Details of the papers/documents sought to be inspected.....

\_\_\_\_\_

4. Reasons for seeking the Inspection .....

\_\_\_\_\_

5. The date and duration of the inspection sought for .....

\_\_\_\_\_

6. Whether fee is paid and if so, the mode of payment.....

\_\_\_\_\_

7. If a third party, whether a *vakalatnama* has been filed with Court Fee Stamp

.....

**VERIFICATION**

I,.....state that the above facts are true and correct.

Place :

Date :

Applicant/Counsel

---

Office Use :

Granted inspection for \_\_\_\_\_hours on \_\_\_\_\_/rejected.

Secretary

Endorsement after inspection:

I....., the applicant abovenamed inspected the documents/records on ..... in the presence of Mr.....between .....to .....Hrs on .....and inspection is completed/concluded.

Dated .....day.....20.....

Applicant /Counsel

**FORM-IV**

[ See Clause 33]

**IN THE STATE APPELLATE AUTHORITY, PATNA**

Appeal/Case No. .... of 20.....

..... Appellant(s)

vs

..... Respondent(s)

**Vakalatnama**

I, .....Appellant No...../Respondent No.....in the above appeal do hereby appoint and retain Shri .....Advocate(s) to appear, plead and act for me/us in the above appeal/petition and to conduct and prosecute all proceedings that may be taken in respect thereof and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding and also to appear in all applications for review and for Patna High Court, patna in all applications for review of judgment.

Place : Signature of the Party

Date :

Executed in my presence. "Accepted"

\*Signature with date \*Signature with date

Name: .....

Name.....

Designation.....

Designation.....

[Name and Designation of Notary/Gazetted Officer/legal Practitioner other than who accepted *Vakalatnama*]

[Name and Designation of legal Practitioner(s)]

(Address for service on the Counsel : Shri.....

.....(furnish full Address of Counsel)

Email ID: .....

Mobile No.....

\*The following certification to be given when the party is unacquainted with the language of the *vakalatnama* or blind or illiterate:-The contents of the vakalatnama were truly and audibly read over/translated in to .....language known to the party executing the *vakalatnama* and he seems to have understood the same.

Signature with date

Name and Designation

**FORM-V**

[ See Clause 36 ]

**IN THE STATE APPELLATE AUTHORITY, PATNA**

Appeal/Case No. .... of 20.....

..... Appellant(s)

vs

..... Respondent(s)

**AFFIDAVIT**

I, .....aged.....years, son/daughter/wife of .....  
(name and occupation of the deponent)..... residing at (full address)  
.....do hereby swear in the name of God, solemnly affirm and state as  
follows :

Para. 1

Para. 2

Para. 3

.....  
.....  
.....

Contents of paragraph nos. ....are within my personal knowledge and contents of  
paragraph nos.....are based on information received by me which I believe the same to  
be true (state the source of information wherever possible and the grounds for belief, if any).

Place :

Date :

Signature of the Deponent

Name in Block Letters

No. of corrections on page nos.

Identified by :

Before me

\* .....

Sworn/solemnly affirmed before me on this the .....day of ...200.....

Signature

Name and Designation of the  
Attesting Authority with Seal

To add endorsement in Form No.VI when necessary

**FORM-VI**

[ See Clause 39 ]

**IN THE STATE APPELLATE AUTHORITY, PATNA**

Appeal/Case No..... of 20.....

**Certificate in case of illiterate or blind Deponent**

Certification when deponent is unacquainted with the language of the Affidavit or is blind or illiterate.

Contents of the affidavit were truly and audibly read over/translated into .....language known to the deponent and he/she seems to have understood the same and affixed his/her LTI/Signature/Mark.

Signature

Name and designation with date.

**FORM-VII**

[ See Clause 42(3) ]

**IN THE STATE APPELLATE AUTHORITY, PATNA**

Appeal/Case No .....of 20.....

Between

..... .... Appellant/Petitioner(s)

(By Advocate Shri.....)

and

..... .... Respondent(s)

(By Advocate Shri .....) )

Whereas the Authority suo motu / on consideration of the request made by Shri .....( Appellant/Respondent No. ) having been satisfied that production of the following documents/records under your control/custody is necessary for proper decision of the above case, you are hereby directed to cause production of the said documents/records before this Authority /forward duly authenticated copies thereof on or before the .....day of.....20.....

(Enter description of documents requisitioned )

By Order of Bench

Secretary

Date :

Place:

To

.....  
.....  
.....

(To be addressed to the Head of Office (Public Officer) who is in custody of desired documents)

**FORM-VIII**

[See Clause-51 (1)]

**IN THE STATE APPELLATE AUTHORITY, PATNA**

Appeal/Case No.....of 20.....

**Deposition of PW/RW**

1. Name :
2. Father's/Mother's/Husband's Name :
3. Age :
4. Occupation :
5. Place of Residence and address :
6. Name of the Officer administering the  
Oath / affirmation :
7. Name of the Interpreter, if any, duly  
sworn/ solemnly affirmed :

Duly sworn/ solemnly/ affirmed

- (i) Examination-By.....on dated.....
- (ii) Cross Examination-By.....on dated.....
- (iii) Re-Examination (if any)-By.....on dated.....

(Signature of the witness on each page)

Statement of witness as recorded was read over/translated to the witness, who admitted it to be correct.

Signature of the Chairperson of the Authority with Date

**FORM-IX**  
**CERTIFICATE OF DISCHARGE**

[See Clause-51(5)]

STATE APPELLATE AUTHORITY, PATNA

Certified that .....appeared before this Authority as a witness/in/Appeal/Case no. ....of 20....., on behalf of the appellant/petitioner/respondent/as Court witness on this .....day of ....20..... and that he was relieved at .....on.....

Signature of the Secretary

Date :

Place :