

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 954 of 2016**

=====

Yogendra Tiwary Son of Sri Narmdeshwar Tiwary, resident of Village-  
Domanpura, P.O.- Pathardewa, P.S.- Baghauch Ghat, District- Deoria (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department,  
Government of Bihar, New Secretariat, Vikas Bhawan, Patna
3. The Director, Primary Education, Human Resources Development  
Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
4. The District Education Officer, Arwal, District- Arwal.
5. The District Programme Officer (Estt.), Arwal, District- Arwal.
6. The Block Education Officer, Kurtha, Block- Kurtha, District- Arwal.
7. The Headmaster, Govt. Middle School, Lari, Block and Circle- Kurtha,  
District- Arwal.
8. Suresh Chandra Pandey @ Acharya Suresh Chandra Pandey @ Tyagi son of  
Indradeo Pandey, resident of Village- Bariarpur Tola Jethahasi, P.O.- Barhara,  
P.S.- Kotwali Deoria, District- Deoria (U.P.)

... .. Respondent/s

**WITH**

**Civil Writ Jurisdiction Case No 2254 of 2018**

=====

Suresh Chandra Pandey, Son of Late Indradeo Pandey, Resident of Village-  
Mathiya, P.O.- Sahdegree, Via- Vijapur, P.S.- Vijayipur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,  
Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
2. The Director, Primary Education, Education Department, Government of  
Bihar, New Secretariat, Vikas Bhawan, Patna.
3. The Collector, Gopalganj, District- Gopalganj.
4. The District Education Officer, Arwal, District- Arwal.
5. The District Programme Officer, (Estt-1), Arwal, District- Arwal.
6. The Circle Officer, Circle- Vijayipur, Sub-Division- Hathwa, District-  
Gopalganj.
7. The Block Education Officer, Block- Kurtha, District- Arwal.
8. Yogendra Tiwary, Son of Sri Narmdeshwar Tiwary, Resident of Village-  
Domanpura, P.O.- Pathardewa, P.S.- Baghauch Ghat, District- Deoria (U.P.)

... .. Respondent/s

=====

**Appearance :**

(In Civil Writ Jurisdiction Case No 954 of 2016)

For the Petitioner/s : Mr Nityanand Mishra, Advocate

For the State : Mr Madhukar Mishra, AC to SC XVI

(In Civil Writ Jurisdiction Case No 2254 of 2018)

For the Petitioner/s : Mr Rajesh Mohan, Advocate



For the S t a t e : Mr Apurv Harsh, AC to SC XXVIII

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**6    03-12-2018**

**CWJC No 954 of 2015**

Allegation of the petitioner is that respondent No 8 has been appointed as a Teacher in Government Middle School, Lari, Block & Circle – Kurtha in the district of Arwal by suppressing material facts and so he was disqualified for such selection. It is submitted on behalf of the petitioner that on 12.10.2018, he had made application/complaint before the Departmental Grievance Redressal Authority (for brevity, *the Authority*) in the Department of Education, Government of Bihar and that the matter is not being considered and looked into by the said Authority.

Since the issue is being enquired into, no further order need be passed in the instant proceeding as the enquiry by the said Authority will take care of the grievance of the petitioner.

In so far as *CWJC No 2254 of 2018* is concerned, respondent No 8 of the earlier case (*CWJC No 954 of 2016*) is the writ petitioner. It is submitted by the learned counsel for the petitioner that on the basis of a valid Residence Certificate issued in his favour by the competent authority on 12.01.2012, the petitioner has applied for the appointment in question. He



submits that he is possessing all the requisite qualifications and, therefore, has challenged the notice issued to him on 30.12.2017 in respect of proposed cancellation of his Residence Certificate dated 12.01.2012.

Since the issue regarding his eligibility is pending consideration before the Authority, Education Department, all the issues can be examined in the said proceedings. The petitioner may place the Residence Certificate issued in his favour before the said Authority when he appears for consideration of the grievance made by the petitioner of *CWJC No 954 of 2016*.

Since the issues are yet to be decided, this Court would observe that till such decision is not taken contrary to the interest of the petitioner in *CWJC No 2254 of 2018*, the petitioner cannot be removed.

This order disposes of both the writ petitions.

The Authority, before whom the grievance is pending, would be obliged to conclude the proceedings in accordance with law.

**(Madhuresh Prasad, J)**

**M.E.H./-**

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

