

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1957 of 2017

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Dharmendra Kumar, Son of Ram Jatan Prasad, resident of Village- Kaudiyari,
P.S.- Shibra, P.O.- Baluganj, District- Aurangabad. ... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The District Education Officer, Aurangabad.
5. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Aurangabad.
6. The Public Grievances Redressal Officer, Aurangabad.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Prashant Sinha, Advocate
For the State	:	Prachi Pallavi, AC to AG, Bihar
for the Parishad	:	Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 29-11-2018 Pursuant to earlier interim order dated 16.2.2017, restraining the authorities from relieving the petitioner from the transferred place of posting counter affidavit has been filed by the respondents raising an objection regarding maintainability of the proceedings.

Specific case of the respondents is that as per Rule 13 of the Bihar Rajya Vidyalaya Shikshak & Karmchari Shikayat Nivaran Niyamavali, 2013 vide resolution no. 1880 dated 20.12.2013 of the Education Department, Bihar, it is mandatory provision that if any teacher is aggrieved by the order of recruitment/Niyojan Unit, he/she has to approach the District Appellate Authority.

Learned counsel for the petitioner submits that if he is



now relegated to the District Appellate Authority, order dated 16.2.2017 will cease to effect and he may be relieved from his posting at the Government High School, Vishnupur, Deo (Aurangabad) to High School, Sukhi Obra.

In view of the objection raised by the respondent authorities regarding maintainability of the instant proceedings, this Court would expect that respondents would not take any coercive action against the petitioner in the event he approaches the District Appellate Authority seeking alternative remedy within a period of one week from the date of receipt/production of a copy of this order.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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