

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23640 of 2019**

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Sunil Kumar S/o Sri Yadunandan Mahato Resident of Village- Kamalbigha,  
P.O.- Brindavan, PS- Ariyari, District- Sheikhpura, Bihar, Pin- 811105.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The District Magistrate (DM), District- Sheikhpura, Bihar.
5. The District Education Officer (DEO), District- Sheikhpura, Bihar.
6. The District Programme Officer (DPO), District- Sheikhpura, Bihar.
7. The Block Education Officer, Block- Ariyari, District- Sheikhpura, Bihar.
8. The Block Development Officer (BDO), Ariyari, Sheikhpura, Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Abhishek Krishna Gupta  
For the Respondent/s : Mr.Subash Chandra Mishra ( SC-16 )

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      29-11-2019                      Heard learned counsel for the parties.

2. Following is the relief, which the petitioner is seeking:-

“a. To direct the Respondent to pay the outstanding lawful salary of the petitioner since joining with interest

b. To direct the respondent to pay litigation cost/compenstate the petitioner for agony from his own pocket”



3. This is not in dispute that for the same relief the petitioner had approached this Court by filing CWJC No. 8531 of 2019, which was disposed of by an order dated 23.04.2019 as withdrawn in following terms:-

“After some arguments, the learned counsel for the petitioner seeks to withdraw the present writ petition with liberty to approach the District Teachers’ Employment Appellate Authority, Sheikhpura for redressal of his grievances.

Accordingly, the writ petition is disposed of as withdrawn with the aforesaid liberty.”

4. Admittedly, the petitioner did not approach the District Teachers Employment Appellate Authority for the redressal of his grievance and has again filed the present writ application.

5. Learned counsel appearing on behalf of the petitioner has submitted that since in a subsequent proceeding, this Court has entertained similar relief in CWJC No. 10529 of 2019 in the order dated 17.09.2019, the petitioner has filed the present writ application.

6. In my opinion, this second writ application filed on behalf of the petitioner, seeking same relief cannot be entertained, which was withdrawn with a liberty to approach



the District Teachers Appellate Authority.

7. This application is, accordingly, dismissed but with a liberty to the petitioner to approach the appellate authority by making appropriate application, in accordance with law.

**(Chakradhari Sharan Singh, J)**

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