

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1613 of 2022

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Dharm Chandan Rajak, aged about 55 years, Male Son of Ram Kishun Rajak,
Resident of Ward No. 8, Baghamara, Police Station - Jasidih, District-
Deoghar, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar,
Patna.
3. The District Magistrate, Jamui.
4. The District Education Officer, Jamui.
5. The District Programme Officer (Establishment Education), Jamui.
6. The Block Education Officer - cum- Conducting Officer, Giddhour, Jamui.
7. The Block Education Officer - cum- Presenting Officer, Ali Ganj, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Vipin Kumar Singh, Advocate
For the Respondent/s	:	Ms. Shilpa Singh, GA 12

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 09-03-2022

The case is being taken up from defect side.

Learned counsel for the petitioner is directed to submit
the original petition along with attested affidavits and also remove
the defects pointed out by the Registry within two weeks from
today.

Learned counsel for the petitioner submits that this
Court earlier in CWJC No. 23996 of 2019 had set aside the order
of dismissal passed on 31st July, 2019 and remitted it back to the



District Programme Officer, Establishment/Education, Jamui to pass a fresh order in accordance with law.

Learned counsel for the petitioner submits that upon remand the District Education Officer, Jamui has again passed the order in the similar terms as earlier passed on 31st July, 2019 and the order dated 26.12.2019, therefore, deserves, to be quashed.

I have considered the submissions, in the opinion of this Court, the order passed by the District Programme Officer (Establishment) Jamui dated 26.12.2019 has taken into consideration the order passed earlier by this Court and also has mentioned the provisions of certain specific rules which have been made the basis of passing of the order dated 26.12.2019 upholding the said order in same terms as earlier passed on 31st July, 2019.

Without commenting on the merits of the case, and the orders, I find that the impugned order has been passed under the Bihar Government Servants (Classification Control and Appeal) Rules, 2005, statutory provisions for appeal is provided under Rule 23 of the said Rules of 2005 and an appeal would lie to the Regional Deputy Director of Education/Appropriate Authority.

Even earlier, this Court has made an observation that an appeal can be filed before the Regional Deputy Director of Education/Appropriate Authority, hence this Court would therefore



not like to decide the writ petition on merits without the petitioner availing the remedy of filing the statutory appeal.

The writ petition is disposed off with liberty to file an appeal. If such an appeal is preferred before the Regional Deputy Director of Education/ Appropriate Authority, who shall consider all the submissions and pass a speaking order and decide the appeal expeditiously and preferably within a period of three months.

(Sanjeev Prakash Sharma, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

