

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9224 of 2020

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Vidyanand Prasad @ Bidy Anand Prasad Son of Late Tilakdhari Prasad, Resident of Village- Pataua Buzurg, Post Office-Murera, Police Station-Darauli, District-Siwan Presently residing at Village-Bishunpura, Serukaha, Saran, At Present Posted and Working as Panchayat Teacher in Govt. Primary School Tikulia, Anchal-Darauli, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-Cum-Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department Bihar, Patna.
4. The District Magistrate, Siwan
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment) Education, Siwan
7. The Block Education Officer, Block-Darauli, District-Siwan
8. The Panchayat Secretary, Gram Panchayat Raj Daraili Mathia, Anchal-Darauli, District-Siwan.
9. The Headmaster -Cum-the Drawing and Disbursing Officer, Govt. Primary School Tikulia, Anchal-Darauli, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Umesh Kumar Mishra, Advocate
For the Respondents : Mr.Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 27-04-2022 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has sought for the following reliefs in
the present writ application:-

(I) For issuance of an appropriate writ in the



nature of certiorari for quashing the memo no.2882 dated 27.12.2019 issued by the District Programme Officer (Establishment), Siwan addressing to the Panchayat Secretary, Gram Panchayat Raj Daraili Mathia, Anchal Darauli, Siwan, by which the District Programme Officer (Establishment), Siwan has stated that selection of the petitioner is illegal and he has directed for cancellation of his selection and on that memo, the Block Education Officer, Darauli, Siwan has issued consequential memo i.e. memo no.789 dated 28.12.2019, without considering the fact that petitioner has been appointed as per the order of learned District Teacher Employment Appellate Authority, Siwan and the joining of the petitioner has been duly accepted by the respondent authorities concerned and therefore the District Programme Officer (Establishment), Siwan has no jurisdiction to direct for cancellation of selection of the petitioner.

(II) For issuance of an appropriate writ in the nature of certiorari for also quashing the memo no.57 dated 09.01.2020 issued under the signature of the District Programme Officer (Establishment), Siwan addressing to the Panchayat Secretary, Gram Panchayat Raj Daraili Mathia, Anchal Darauli, District Siwan, by which it has been stated that the



petitioner's selection is not legal one and directed for cancellation of his selection without considering the fact that the District Programme Officer (Establishment), Siwan has no jurisdiction to alter or change the order passed by the District Teacher Employment Appellate Authority, Siwan, as the petitioner has been appointed on the basis of order passed by the learned District Teacher Employment Appellate Authority, Siwan on 22.11.2014 in the Case No.685/2011 (Vidyanand Prasad vs. The State of Bihar and Others).

(III) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondents authorities concerned to pay the arrears of salary to the petitioner since the date of joining i.e. 11.03.2015 to till date as well as current salary without any further delay.

(IV) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to not make any hindrance in proper functioning of the petitioner as Panchayat Teacher in Govt. Primary School Tikulia, Block Darauli, District Siwan, as the petitioner is orthopedically handicapped and he has been appointed on the basis of order passed by the learned District Teacher Employment



Appellate Authority, Siwan on 22.11.2014 in the Case No.685/2011 (Vidyanand Prasad vs. The State of Bihar and Others), by which the petitioner has been directed to be appointed as Panchayat Teacher by the Employment Unit, Gram Panchayat Raj Daraili Mathia, Block Darauli, District Siwan.

In support of the reliefs sought for, the petitioner has relied upon the order dated 03.03.2017 passed in C.W.J.C. No.12350 of 2016 (Suman Swaraj and Ors. Versus The State of Bihar and Ors.), order dated 11.05.2017 passed in C.W.J.C. No.417 of 2015 (Md. Asghar Ali and Ors. Versus The State of Bihar and Ors.) and also the order dated 24.06.2021 passed in C.W.J.C. No.7347 of 2020 (Sita Devi and Ors. Versus The State of Bihar and Ors.).

On behalf of the State, it has been submitted that the order under challenge is passed by the Respondent No.6 i.e. The District Programme Officer (Establishment), Siwan and in view of provision of Rule 13 of The Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 , the legal remedy of the petitioner lies before the District Appellate Authority.

Considering the reliefs sought for on behalf of the



petitioner in the present writ application, the petitioner is directed to file an appeal before the District Appellate Authority, Siwan within a period of thirty days from the date of this order. In case any such appeal is filed by the petitioner, the District Appellate Authority, Siwan shall consider the same and dispose of the appeal in accordance with law at the earliest preferably within a period of ninety days from the date of filing of such appeal.

In case, the District Appellate Authority is not functioning, the petitioner will be at liberty to prefer an appeal before the State Appellate Authority.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

(Sanjeev Prakash Sharma, J)

Narendra/-

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