

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.188 of 2022

In

Civil Writ Jurisdiction Case No.9367 of 2020

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1. Santosh Kumar Pandey Son of Late Nageshwar Pandey, Resident of Village and P.O. and P.S. Maker, District- Saran- 841215 presently posted at Azad Chandrashekhar Middle School, Telpa, Saran.
 2. Radheshayam Pandey Son of Late Hardev Pandey, resident of Village - Nadouwan, P.O. and P.S. - Baniyapur, District- Saran, Presently posted at Upgraded Middle School, Shyamchak, Chapra Nagar, Saran - 841403.
 3. Ashiwani Kumar Srivastava Son of Late Krishna Prasad, Resident of Village and P.O.- Mangolapur, P.S. - Jalalpur, District- Saran - 841412, presently posted at Upgraded Middle School, Basdila, Jalalpur, Saran.
 4. Arun Kumar Choubey Son of Vashisth Narayan Choubey, resident of Village - Madhopur Barha, P.O. and P.S.- Taraiya, District - Saran - 841424, presently posted at Primary School, Chanchaila (Pachim Tola) Taraiya, Saran.
 5. Harendra Kumar Son of Late Yadunatha Prasad Yadav, resident of Village- Chhota Telva, Goreyatoli, P.O. - Chapra, P.S. - Chapra Town, District- Saran - 841301, Presently posted at Middle School, Janki Nagar Garkha, Saran.
 6. Amar Kumar Dubey Son of Satanarayan Dubey Resident of Village- Bharhopur, P.O. and P.S. - Ekma, Bharhopur, District- Saran - 841208 Presently posted At Middle School, Khanpur Manjhi, Saran.
 7. Ashok Kumar Rai Son of Ram Balak Rai, Resident of Village- Dhanesh Chapra, P.O.- Hafizpur, P.S. - Janta Bazar, District- Saran - 841422 presently posted at Upgraded Middle School, Manupur, Jahangir, Chapra Sadar Saran.
 8. Thakur Ranjit Singh Son of Ram Naresh Singh Resident of Village - Dumari, P.O. and P.S. - Tariya, District - Saran- 841424, presently posted at Middle School, Dumari Tariya, Saran.
 9. Nagendra Kumar Son of Ramlayak Ram, Resident of Village - Bishunpura, P.O. and P.S. - Baria, District- Balia, Uttar Pradesh- 277208, Presently posted at Primary School, Loha Tola, Rivilganj, Saran.
 10. Raju Satish Kumar Singh Son of Rishi Devi Singh, Resident of Village- Malhi Chak, P.O. - Bajahia, P.S.- Dariyapur, District - Sarans - 841221.
 11. Vinay Kumar Singh Son of Rameshwar Prasad Singh, resident of Village- Goura, District - Saran - 841443, Presently posted as Upgraded Middle School, Khabsi, Benipur, Saran.
 12. Animesh Mohan Son of Late Akhileshwar Prasad, Resident of Village - Maghar, P.O.- Saghar Sultanpur, P.S. - Bhaganpur Hat (Sadhar, Sultanpur), District- Siwan - 8414417, Presently posted at Upgraded Middle School, Pakari Mashrak, Saran.
 13. Md. Kasim Son of Md. Yakub, Resident of Village and P.O. - Anjani, P.S. - Parsha, District- Saran- 841219, Presently posted at Middle School, Kautkanand Maker, Saran.
 14. Dhananjay Kumar Shukla Son of Nand Kumar Shukula, Resident of Village-



Chandmai Road, Dahiyawan Tola, Prabhunath Nagar, P.O.- Chapra, P.S.- Chapra Town, District - Saran - 841301, Presently posted as Chandradeep Middle School, Dahiyawan Chapra Nagar, Saran.

15. Sudhir Prasad Singh Son of Shivnath Rai, Resident of Village- Ibrahimpur, P.O. Harpur Krah, P.S. - Baniyapur, District - Saran - 841403, Presently posted at Middle School, Harpur, Saran.
16. Sanjiv Kumar Singh Son of Hari Narayan Singh, Resident of Village and P.O. - Barbatta, P.S. - Sonpur, District- Saran - 841101, Presently posted at Middle School, Baijalpur, Saran.
17. Manind Kumar Pandey Son of Sachidanand Pandey, Resident of Bishunpura, P.O. and P.S. - Jalalpur, District- Saran, Presently posted at Middle School, Bhatkeshari, Jalalpur, Saran.
18. Dhananjay Kumar Singh Son of Aatma Narayan Singh, Resident of Village and P.O. Madansath, P.S.- Manjhi, District- Saran- 841201, Presently posted at Primary School, Ekma - Mathiya, Saran.
19. Shalesh Kumar Singh Son of Ramadhar Singh, Resident of Village - Bakerwa Bhaw, P.O. - Baksanha, P.S. Sonpur, District- Saran - 841219, Presently posted at Upgraded Middle School, Chaharam, Sonpur, Saran.
20. Amerendra Kumar Anuj Son of Late Shayam Narayan Singh, Resident of Village - Amnour, District- Saran, Presently posted at Primary School, Vishamwambhar, Aamnour, Saran.

... .. Appellants

Versus

1. The State of Bihar through the Principal Secretary Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary Finance Department, Government of Bihar, Patna.
3. The Joint Secretary, Education Department Government of Bihar, Patna.
4. The Director Primary Education, Government of Bihar, Patna.
5. The Regional Deputy Director of Education Saran at Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer (Establishment) Saran at Chapra.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Shashi Shekhar Tiwary, Advocate
For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG 15

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 15-02-2023 Learned counsel for the appellants, after some arguments, seeks permission to withdraw this appeal with a



liberty to approach the Appellate Authority under Rule 18 of the Bihar Nationalized Primary School Teachers Transfers, Disciplinary Action and Promotion Rules. It is his contention that the said rules are applicable for the redressal of the grievance, which the appellants have raised in CWJC No. 9367 of 2020.

The fact remains that the appellants had not approached the Appellate Authority under Rule 18 of the Rules, which is an admitted fact.

This appeal is accordingly disposed of with a liberty to the appellants to approach the Appellate Authority, if the same is permissible, for the redressal of their grievances.

We make it clear that any observation made by the learned Single Judge in the order dated 21.03.2022, passed in CWJC No. 9367 of 2020, which is impugned in the present appeal, shall not come in way of the Appellate Authority deciding the grievance of these appellants, if the same are otherwise maintainable.

(Chakradhari Sharan Singh, ACJ)

(Madhuresh Prasad, J)

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