

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.191 of 2022
In
Civil Writ Jurisdiction Case No.852 of 2021

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1. Manoranjan Sah Son of Late Rameshwar Prasad Sah Resident of At and P.O.- Banouta, P.S.- Parsa, District- Saran, Posted at Upgraded Middle School, Parmanandpur, Sonpur, Saran.
 2. Manoj Kumar Giri Son of Late Ramanand Giri Resident of At and P.O.- Pachpaika, P.S.- Ujiyarpur, District- Samastipur, Presently residing at Mohalla Indrapuri Colony Near R.N. College, P.O.- Hajipur, District- Vaishali, Posted at Upgraded Middle School, Parmanad Pur, Sonpur, Saran.
 3. Aanand Prakash Son of Ram Naresh Sharma Resident of Sabalpur Babhan-Toli, P.O.- Sonpur, P.S.- Smpur, District- Saran, posted as Middle School, Sabalpur East Sonpur, Saran.
 4. Randhir Kumar Son of Late Suryanath Prasad Resident of Mohalla- House No. 178, Indira-Nagar Rajapul, Patna- 01, Posted at Primary School, Harpur Nand, Sonpur, Saran.
 5. Dhananjay Kumar Sharma Son of Late Bindeshwari Prasad Sharma Resident of At- Nawada, P.O.- Dariyapur, P.S.- Dariyapur, District- Saran, Presently resident of Village- Didhdhi Kala East, P.O.- Didhdhi Kala, P.S.- Sadar Hajipur, District- Vaishali.

... .. Appellants

Versus

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

... .. Respondent/s

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 appellant, 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. 852 of 2021.

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 22.03.2022, passed in CWJC No. 852 of 2021, 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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