

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9812 of 2022

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Shamsher S/o- Basudev Prasad, R/o - Vill.- Mahuaria, P.O.- Karamnasa, P.S.-
Durgavati, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, District - Banka.
4. The District Education Officer, District - Banka.
5. The District Programme Officer (Estt), Dist. - Banka.
6. The Block Development Officer, Block - Fully Dumar, District - Banka.
7. The Block Education Officer, Block - Fully Dumar, District - Banka.
8. The Panchayat Secretary, Gram Panchayat Raj Rata, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sita Ram Prasad, Advocate
For the Respondent/s : Mr.Vivek Anand Amritesh, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 27-09-2023 Learned counsel for the petitioner accepts that at this

stage the District Teachers Appellate Authority is functioning at

Banka.

2. By filing this writ application, the petitioner is
seeking a writ in the nature of mandamus directing the
respondents to appoint the petitioner on the post of Panchayat
Teacher (class 1 to V). It is alleged that he has been finally
selected but has been intentionally denied the appointment by
the respondents.

3. Learned counsel for the State submits that the



petitioner is having less than 45% marks in Intermediate, therefore, he is not having the requisite qualification and for that reason the appointment letter has not been issued.

4. It is further stated that under Rule 22 of the Bihar Panchayat Elementary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Condition) Rule, 2020 the petitioner has a remedy available for redressal of his grievance before the District Teachers Appellate Authority.

5. Considering the kind of disputes involved and the earlier judgment of this Court in CWJC No.5489 of 2020 (Suresh Ram Vs. the State of Bihar & Ors.), this Court is disposing of this writ application permitting the petitioner to withdraw it with liberty to file an appropriate application before the District Teachers Appellate Authority, Banka within a period of 30 days from today. If such an application is preferred within the given period of 30 days from today, the same will be considered on its own merit and the question of limitation, if any, shall be considered keeping in view that the petitioner had preferred this writ application under some bonafide belief and legal advice.

6. Learned counsel for the petitioner submits that the



employment unit has seized the educational certificate of the petitioner, if it is so the same must be returned back to the petitioner immediately.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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