

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18796 of 2014

Bindu Bhushan Sen son of Late Pranwasi Sen, resident of Basatpur Colony,
P.O.- Rupdih, P.S.- Motihari Muffasil, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Human Resources Development
Department, Govt. of Bihar, New Secretariat, Patna
3. The District Magistrate, East Champaran
4. The District Superintendent of Education, Motihari, East Champaran
5. The Member District Teachers Appointment Appellate Authority, East
Champaran at Motihari
6. The Block Development Officer, Motihari, East Champaran
7. The Block Education Extension Officer, Motihari
8. The Mukhiya, Gram Panchayat Raj Ram Singh Chhatauni Block, Motihari,
East Champaran
9. The Panchayat Secretary, Gram Panchayat Raj Ram Singh Chhatauni
Panchayat under Motihari Block, East Champaran
10. Prem Ram son of Late Sukhari Ram Resident of village- Belari Ram Block-
Patahi, P.S.- Patahi, District- East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D.K.Sinha, Sr. Advocate Mr. Vijay Shankar Shrivastava, Advocate
For the State	:	Mr. Manoj Kumar Sinha, A.C. to S.C.-19
For the respondent no.10	:	Mr. Sanjeev Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 22-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application

praying for the following relief(s):

“a. For issuance of a writ in the nature of certiorari for quashing the order dated 06-01-2014 passed in case No 889 of 2013 by the Member of District Teacher Appellate Authority East Champaran, Motihari as contained in annexure -12 to this writ petition, whereby and whereunder the Member of District Teacher Appellate Authority East



Champaran, Motihari allowed the appeal of the respondent No 10 and declared the appointment / selection of the petitioner illegal. The Member of District Teacher Appellate Authority East Champaran, Motihari further set aside the letter No 36 dated 14-08-2010 contained in annexure-10 to the writ petition by which the respondent No 10 was terminated from the post of Panchayat Teacher under the Gram panchayat Raj Ram Singh Chhatauni Motihari, Block ,East Champaran. The Member of District Teacher Appellate Authority East Champaran, Motihari further directed to the respondent No 8,9 and the Primary Teacher Employment committee to insure re-appointment of the respondent No. 10 and also make payment of salary from the date of his Joining.

b. For issuance of a writ in the nature of certiorari for quashing the Memo No 01 dated 22-07-2014 issued under the signature of the Secretary Employment committee Grampanchayat Raj Ram Singh Chhatauni, Block Motihari, East Champaran as contained in annexure -13 to this writ petition, whereby and whereunder the respondent No 10 has been appointed in the utkarmik Middle School Hasuaha i.e in the place of the petitioner from the date of his (Respondent No 10) Joining and also directed to join within a period of 15 days from the date of the issued of Memo No 1 dated 22-07-2014.

c. For issuance of a writ in the nature of mandamus directing and commanding the respondents to make payment of current as well as arrear of salary and also give other legal and Consequential benefit to the petitioner.

d. For issuance of a writ/writs/order/directions and also grant any other relief or reliefs for which the petitioner is entitled from the facts and in the circumstances of the case.”

3. At the outset, a preliminary objection is raised by learned counsel for the respondents that the petitioner has an



alternate and efficacious remedy of moving an appeal before the State Authority under the Bihar Panchayat Elementary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Condition) Rules, 2020.

4. After some argument, learned counsel for the petitioner seeks permission to withdraw this application to pursue the alternate remedy available to the petitioner as stated herein above.

5. This application is disposed of as withdrawn with the aforesaid liberty.

6. In case the appeal is filed by the petitioner before the State appellate authority within a period of four weeks from today, the State appellate authority shall take into consideration the period of pendency of the instant application in this Court and shall decide the case of the petitioner on merits.

7. It goes without saying that in case the appeal of the petitioner is decided against him, the petitioner shall have the liberty to challenge the same in accordance with law.

(Partha Sarthy, J)

Saurabh/-

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