

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18694 of 2014

Md. Naushad Alam S/o Late Zamirul Hussain Resident of Village Kusiari,
P.O. Pothia, Police Station Pothia, District Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Human Resources Department, Bihar, Patna
2. The District Magistrate, Kishanganj.
3. The District Education Officer, Kishanganj.
4. The District Programme Officer, Kishanganj.
5. The District Jan Siksha Officer, Kishanganj.
6. The Member, District Teachers Appointment Appellate Tribunal, Kishanganj.
7. The Panchayat Secretary, Gram Panchayat, Sarogora, Post Office Pothia, Police Station Pothia, District Kishanganj
8. The Block Development Officer, Pothia, Kishanganj
9. The Mukhiya, Gram Panchayat Sarogora, P.O. Pothia, P.S. Pothia, District Kishanganj.
10. Md. Mokaddar Alam S/o Md. Sharif Resident of Village Kusiari, P.O. Pothia, Police Station Pothia, District Kishanganj.
11. Md. Sabir Alam S/o Late Najamuddin Resident of Village Ramaiyapakhar, P.O. Pothia, P.S. Pothia, District Kishanganj.
12. Md. Noor Alam S/o Ilyas, R/o village Ramniapokhar, P.O. and P.S. Pothia, District Kishanganj

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Md. Hussain, Advocate
For the Respondent/s	:	Mr. Sitaram Yadav, GP-16 Mr. Yatindra Narayan, A.C. to G.P.-16

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 22-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application

praying for the following relief(s):

“(i) For issuance of a writ in the
nature of certiorari or any other appropriate



writ order and direction for quashing the amendment order dated 12.07.2014 contained in memo no. 108 (Annexure-6) issued by the Member, District Teachers Appointment Appellate Tribunal, Kishanganj.

(ii) For issuance of a writ in the nature of mandamus or any other appropriate writ order and direction for commanding the respondents to implement the order dated 06.09.2013 passed in Memo no. 154 by Member, District Teachers Appointment Appellate Tribunal, Kishanganj.

(iii) Any other appropriate relief or reliefs may be granted in favour of the petitioner as your lordships may deem fit and proper.”

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 appellate authority within a period of four weeks from today,
the appellate authority shall take into consideration the period of
pendency of the instant application in this Court and shall
decide the appeal 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)

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