

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22364 of 2019

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Gauri Shankar Prasad S/o Sheoparsi Prasad Ray R/o Village Dighi Kala West
(Bihasnagar), P.O. Dighi Kala, Ward No. 13, District Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Bihar School Examination Board through its Chairman, Budh Marg, Patna.
4. The Secretary, Bihar School Examination Board, Budh Marg, Patna.
5. The District Magistrate, Saran at Chhapra.
6. The District Education Programme Officer (Establishment), District Saran at Chhapra.
7. The Block Education Officer, Dariyapur, District Saran at Chhapra.
8. The A.D.G. of Police Vigilance Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Adv.
For the State	:	Mr. Ram Vinay Pd. Sinha, A.C. to G.A-12
For the Vigilance	:	Mr. Anil Kumar, Adv.
For the Board	:	Mr. Gyan Shankar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 09-02-2023

1. Heard the parties.

2.The petitioner by way of this writ petition challenges the action of terminating his services based on the vigilance enquiry and relies on a Judgment passed by this court in the case of **Anup Kumar and Ors. Vs. The State of Bihar and Ors.** in **CWJC No. 13370 of 2019**, decided on **28.01.2022**.

3. Learned counsel for the respondents submits that the facts of the said case are distinguishable. Question regarding



the termination of the Niyojit Teacher can be examined by the concerned District Appellate Authority. The authority can also examine whether the case stands covered by a Judgment of this court or not.

4. In view thereof, the writ petition is disposed of with liberty to the petitioner to approach the concerned District Appellate Authority, who will examine the case on merits on an appeal filed by the petitioner. The same should be decided expeditiously.

(Sanjeev Prakash Sharma, J)

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Item No. 1

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