

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3669 of 2022

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Santosh Kumar Son of Shivadhar Thakur, Resident of Village- Gumati
Kansara, Via - Bishanpur Titara, P.S. Raja Pakar, District -Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. The District Education Officer, Darbhanga.
6. The District Programme Officer (Establishment), Darbhanga.
7. The Block Development Officer-cum-Secretary, Block Teachers
Employment Selection Committee, Darbhanga Sadar, Darbhanga.
8. The Block Education Officer, Darbhanga Sadar, Darbhanga.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2526 of 2022

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Binod Kumar Yadav S/o Late Ramrup Pd. Yadav (freedom fighter), Resident
of Village and P.O. Bahadurpur, Ward No. 13, P.S. Govindganj, District- East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Primary Education, Govt.
of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The District Education Officer (Establishment), Darbhanga.
4. The District Programme Officer (Establishment), Darbhanga.
5. The Block Development Officer-cum- Secretary, Block Niyojan Unit,
Darbhanga Sadar, District- Darbhanga.
6. The Block Education Officer, Darbhanga Sadar, District- Darbhanga.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 3669 of 2022)

For the Petitioner/s : Mr. Alok Kumar, Advocate

For the Respondent/s : Mr. Jitendra Kumar Roy 1 (Sc 13)

(In Civil Writ Jurisdiction Case No. 2526 of 2022)

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate



For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 12-11-2024 Heard learned counsel for the parties.

2. These writ applications have been filed for issuance of a writ of Mandamus directing the respondent authorities to appoint the petitioners on the post of Graduate Grade of Panchayat Elementary Teacher Cadre (Class VI to VIII) in Social Science under Block Employment Unit, Darbhanga Sadar against the vacancy lying under horizontal reservation to be given to the grand children of Freedom Fighters in terms of Rule 7 of the Bihar Panchayat Elementary School Service(Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Condition) Rules, 2020 read with Notification No. 13185 dated 03.09.2015 of General Administration Department, Govt. of Bihar, Patna.

3. At the outset, learned counsel for the State appears and raises preliminary objection with regard to the maintainability of this writ application on the ground that petitioners have got alternative remedy before the District Appellate Authority. He further submits that no reason has been assigned, as to why this writ application shall be heard by this Hon'ble High Court, even when alternative remedy to move



before the District Appellate Authority is available to the petitioners.

4. Learned counsel for the petitioners is not in a position to dispute the contentions made on behalf of the State.

5. Considering the aforesaid facts and circumstances, these writ petitions are disposed of with direction to petitioners to move before the District Appellate Authority by filing appeal and the concerned District Appellate Authority is directed to proceed in the matter and dispose of the same in accordance with law after hearing the parties, preferably within a period of six months thereafter.

6. With the aforesaid observations and directions, these writ applications are disposed of.

(Prabhat Kumar Singh, J)

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