

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3230 of 2022

Abhimanyu Kumar S/o Dilip Kumar, Resident of Village - Manserpur, P.O. -
Paharpur, District - Begusarai, Bihar, Pin - 851211.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar.
2. The Additional Chief Secretary, Department of Primary Education, Bihar,
Patna.
3. The Director, Department of Primary Education, Patna, Bihar.
4. The District Magistrate, Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The Block Development Officer, Pirpainti, Bhagalpur.
7. The Block Education Officer, Pirpainti, Bhagalpur.
8. The Block Development Officer, Shahkund, Bhagalpur.
9. The Block Education Officer, Shahkund, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Sinha, Advocate
For the Respondent/s	:	Mr. Kumaresh Singh, AC to SC-28

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-11-2024 Heard learned counsel for the parties.

2. This writ application has been filed for the
following relief:-

*(i). For issuance of writ of Certiorari, quashing
the selection list dated 10-08-2021 of the Primary
teachers for Block- Pirpainti as far as the petitioner is
concerned, issued under the signature of District
Education Officer, Bhagalpur vide letter number-
1925 and uploaded on NIC portal, whereby six
candidates who had lesser marks than the petitioner
as per the final merit list were irregularly selected and
the petitioner's selection was denied arbitrarily.*



(ii). For issuance of the writ of Mandamus, directing the concerned Respondent for including the name of the Petitioner in the above- mentioned selection list dated 10-08-2021 on the basis of final merit list prepared by the authorities.

(iii). For issuance of writ of Certiorari, quashing the selection list dated 25-01-2022 of the Primary teachers for Block- Shahkund as far as the petitioner is concerned, issued under the signature of District Education Officer, Bhagalpur vide letter number-250 and uploaded on NIC portal, whereby candidate who had lesser marks than the petitioner as per the final merit list was selected by committing fraud as his percentage of marks varied in the final merit list and selection list and the petitioner's selection was denied fraudulently.

(iv). For issuance of the writ of Mandamus, directing the concerned Respondent for including the name of the Petitioner in the above- mentioned selection list dated 25-01-2022 by removing the name of Ashish Prasad Singh mentioned in the serial no-84.

(v). For issuance of writ of Mandamus, commanding the concerned authorities to stay the appointment of Primary teachers in Pirpainti and Shahkund block of Bhagalpur District till the pendency of this writ application.

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 petitioner has 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 concerned District Appellate Authority is available to the petitioner.

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

5. Considering the aforesaid facts and circumstances, this writ petition is disposed of with direction to petitioner 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, this writ application is disposed of.

(Prabhat Kumar Singh, J)

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