

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6604 of 2023

1. Rekha Kumari Wife of Suryanand Yadav, Resident of Village-Masuriya, Police Station-Krityanand Nagar, District-Purnea.
2. Subodh Kumar alias Subodh Kumar Paswan, Son of Sikam Lal Paswan, Resident of Village-Jagani, Police Station-Krityanand Nagar, District-Purnea.
3. Md. Mushtaque Alam, son of Md. Muslim, Resident of Village-Chhoti Baigna, Police Station-Krityanand Nagar, District-Purnea.
4. Bindu Kumari, Wife of Prabhakar Kumar Bharti, Resident of Village-Alam Nagar Bhagipur, Police Station-Madhepura, District-Madhepura.
5. Nutan Kumari, Wife of Uday Kumar Varma, Resident of Malick Niwas, Sukhnagar, Madhubani, Police Station-Krityanand Nagar, District-Purnea.
6. Maryabint Mushtaque, Daughter of Mushtaque Alam, Resident of Village-Sabutar, Police Station-Krityanand Nagar, District-Purnea.
7. Sneha Suman, Wife of Purushottam Kumar, Resident of Village-Bijulia, Police Station-Sarsauni, District-Purnea.
8. Nand Wala Kumari, Wife of Hemchandra Singh, Resident of Village-Sipahi Tola, Police Station-Khajanchi Hat, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Director, State Council of Educational Research and Training (SCERT), Bihar, Patna.
4. The Regional Director of Education, Purnea Division, Purnea.
5. The District Programme Officer (Establishment), Purnea.
6. The District Education Officer, Purnea.
7. The Bihar School Examination Board, Patna through its Secretary.
8. The Secretary, Bihar Education Examination Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Shashank Shekhar Sinha, Advocate Mr. Shashwat, Advocate Dr. Shuchi Bharti, Advocate Mr. Sachina, Advocate
For the State	:	Mr. Subhash Chandra Mishra, SC-16
For the B.S.E.B.	:	Mr. S.K. Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-11-2024

Heard learned counsel for the parties.



2. The present writ application has been filed for the following reliefs:-

- “(i) To hold and declare that, since, in CWJC No. 16214/2019 (in re, Ata - ur Rahman's & Ors), no case / issue was discussed & considered by the Hon'ble Patna High Court, which is / was identical to the case of petitioner, hence, no punitive action should have been taken against her, on the basis of any direction, of the department, which has been issued for compliance of the order passed in said Ata -ur-Rahman's case.*
- (ii) To hold and declare that, since, the order impugned as contained in Memo No. 10, dated 02.03.2023 (Annexure -16), passed by the Panchayat Secretary (Resp No.6) is a non- speaking order, hence violative of Principles of Natural Justice, and hence arbitrary, discriminatory, and fit to be set aside by this Hon'ble Court.*
- (iii) For issuance of appropriate orders, direction or writ in the nature of Certiorari for Quashing the order impugned as contained in Memo No.10 dated 02.03.2023, (Annex-16), passed by the Panchayat Secretary, whereby and where under the services of the Petitioner has been terminated.*
- (iv) For issuance of appropriate orders, direction or writ in the nature of Mandamus commanding the respondents concerned, to reinstate the petitioner and allow her to resume her duties, with all consequential benefits.*
- (v) For issuance of appropriate orders, direction or writ in the nature of Mandamus commanding the respondents concerned, to allow the petitioner necessary departmental permission for completion of In- Service Teacher Training course of D.El.Ed.*
- (vi) For grant of any other relief to which the Petitioner may be found entitled to, in the facts and circumstances of this case.”*

3. At the outset, learned counsels appearing on behalf



of the respondents raise preliminary objection to the maintainability of this writ application on the ground that petitioner has got alternative statutory remedy before the District Appellate Authority. It is further submitted that no reasons have been assigned as to why this writ application shall be heard by this Hon'ble High Court, even when alternative statutory remedy to move before the District Appellate Authority is available to the petitioner.

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

5. Considering the aforesaid facts and circumstances, this writ petition is disposed of with direction to the petitioner to move before the District Appellate Authority by filing appeal.

6. It is needless to say that if such appeal is preferred by the petitioner, the District Appellate Authority shall proceed in the matter and dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, as expeditiously as possible.

(Prabhat Kumar Singh, J)

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