

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5667 of 2024

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Rakesh Kumar Son of Late Suresh Kumar Singh, Resident of village - Sirsa,
P.O. - Dighawa Dubauli, P.S. Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Education Department, Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The District Education Officer, District - Gopalganj.
4. The District Programme Officer (Establishment), Gopalganj.
5. The Block Education Officer, Block - Sidhwallia, District - Gopalganj.
6. The Panchayat Sachiv cum Sachiv, Panchayat Teacher Employment Samiti, Gram Panchayat Raj, Dumaria, Block - Sidhwallia, District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg, Advocate
For the Respondent/s : Mr. Addl. Advocate General (3)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-11-2024

Heard learned counsel for the parties.

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

*(i). For issuance of an appropriate writ/
writs, order/orders, direction/directions in the
nature of certiorari for quashing the Memo No.
12 dated 19.07.2023 issued by the respondent no.6
whereby the respondent no.6 has directly
dismissed the petitioner from the post of
Panchayat Teacher without any show cause or
without providing any opportunity of hearing to
the petitioner only on the basis of decision taken
by respondent no.4 vide his Memo No.691 dated
01.03.2023(though the said memo has not been*



furnished to the petitioner even till date).

(ii). For issuance of an appropriate writ, order or direction in the nature of mandamus directing the respondents authorities to reinstate the petitioner on the post of Panchayat Teacher and paid the salary as well as arrear of salary to the petitioner.

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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