

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8114 of 2024

1. Karna Singh @ Karan Singh Son of Bhikhari Singh, resident of- Ub, P.O.- Bharub, P.S.- Obra, District- Aurangabad.
2. Ajay Kumar, Son of Shiv Kumar Prasad, resident of Nimiya Bigha, P.O.- Mohiuddinpur, District- Jehanabad.
3. Amit Kumar, Son of Kailash Singh, resident of Prakhand Colony, Bairam Sarai, P.O.- Ghosi, District- Jehanabad.
4. Sunil Kumar Son of Sonelal Thakur, resident of Kirkichiya Panchayat, Ward No.6, P.O.- Dholbajja, District- Araria.
5. Vidyakar Rakesh Son of Ram Vilash Singh, resident of Khapura, P.O.- Ghosi, District- Jehanabad.
6. Sunil Kumar, Son of Ganesh Prasad, resident of Khapura, P.O.- Ghosi, District- Patna.
7. Kishore Kumar, Son of Indra Paswan, resident of Sahopur, P.O.- Panditganj, District- Patna.
8. Raju Kumar Singh, Son of Bhikhari Singh, resident of Village- Rasauli, P.O.- Namar, District- Bhojpur.
9. Sanjay Kumar, Son of Yamuna Prasad, resident of Village- Garai Bigha, P.O.- Lakhawar, District- Jehanabad.
10. Sonam Kumari, Son of Bal Kishor Singh, resident of Village- Shambhopur Koari, Ward No.5, P.O.- Asoi, District- Vaishali.
11. Shashank Shekhar Sriwastava, Son of Sushil Kumar Sriwastava, resident of Chinni Mill, P.O.- Gajadharganj, District- Buxar.
12. Praphull Kumar Srivastava Son of Om Prakash Srivastava resident of Village and P.O.- Majhariya, P.S.- Industrial Area, District- Buxar.
13. Rishi Srivastava, Son of Sushil Kumar Srivastava, resident of Chinni Mill, P.O.- Gajadharganj, District- Buxar.
14. Jai Prakash Sah, Son of Shivnath Sah, resident of Village and P.O.- Fafdar, P.s.- Murar, District- Buxar.
15. Rekha Kumari, Daughter of Kailash Prasad Sah, resident of Village- Nashrath Khani, Ward No.11, P.O.- Champanagar, District- Bhagalpur.
16. Sushil Kumar Singh, Son of Madan Singh, resident of Village- Shadipur, P.O. and P.S.- Goriyakothi, District- Siwan.
17. Pankaj Kumar, Son of Dharendra Kumar Chaudhary, resident of Village- Nilo Rukundpur, P.O.- Dabhaichh, District- Vaishali.
18. Raman Kumar Gupta Son of Gopal Krishna Sah, resident of Nath Nagar, Ward No.5, P.O.- Nath Nagar, District- Bhagalpur.
19. Nishant Kumar, Son of Sant Kumar Sinha, resident of Village- Purani Chakbandi Office, Maula Bagh, Arrah, District- Bhojpur.
20. Rajeshwar Prasad Yadav, Son of Jagdish Prasad Yadav, resident of Village- Tineri Math, P.O.- Nadaul, District- Patna.



21. Kumar Anand, Son of Shankar Prasad Gupta, resident of Village- R.N. Jha Lane Nasrath Khani, Ward No.11, P.O.- Champa Nagar, District- Bhagalpur.
22. Nitu Kumari, Daughter of Ravindra Kumar Singh, resident of Village- Amarua, P.O.- Bhadeya, District- Gaya.
23. Nitesh Kumar Choubey, Son of Satya Narayan Choubey, resident of Village- Dhamaniya, P.O.- Garahani, District- Bhojpur.
24. Bibi Jahan Ara, Daughter of Md. Yaqub Ali, resident of Village- Palasi, Ward No.5, P.O.- Pategana, District- Araria.
25. Vinay Kumar, Son of Lal Prasad Rai, resident of Ram Manohar Lohia Path, Ward No.8, P.O.- Forbisganj, District- Araria.
26. Md. Sabbir Alam, Son of Md. Alimuddin, resident of Village- Belbari, Ward No.15, P.O.- Araria, District- Araria.
27. Mustaque Ahmad, Son of Fakhruddin Mansoori, resident of Palasi, Ward No.5, P.O.- Pategana, District- Araria.
28. Avinash Kumar Gupta, Son of Kripal Prasad Gupta, resident of Bada Shivalaya Road, Ward No.13, District- Araria.
29. Shabana Perween Daughter of Md. Ilyas, resident of Village- Palasi Chahatpur, Ward No.9, P.O.- Palasi, District- Araria.
30. Rina Kumari, D/o- Shiv Shankar Bhagat, resident of Ward No.13, P.O.- Jogbani, District- Araria.
31. Sunil Kumar, Son of Umesh Prasad, resident of Village and P.O.- Ghosi, District- Jehanabad.
32. Nazim Akhtar, Son of Md. Ayasuddin, resident of Village and P.O.- Dehti, District- Araria.
33. Sujit Kumar Jha Son of Baidyanath Jha, resident Matiyari, P.O.- Forbisganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The District Magistrate, Bhojpur.
5. The District Education Officer, Bhojpur.
6. The District Programme Officer (Establishment) Education, Bhojpur.
7. The Prakhanda Pramukh-cum-Chairman of Block Teachers Selection Committee, Sahaar, District- Bhojpur.
8. The Block Development Officer-cum-Member Secretary, Block Teachers Selection Committee, Sahaar, District- Bhojpur.
9. The Block Education Officer, Sahaar, Block-Sahaar, District-Bhojpur.
10. The Headmaster, Urdu Utkramit Kanya Middle School Khaira, Block-



Sahaar, District-Bhojpur.

- 11. The Headmaster, Utkramit Middle School Khaira, Block-Sahaar, District-Bhojpur.
- 12. The Headmaster, Govt. Upgraded Middle School Athpa, Block-Sahaar, District-Bhojpur.
- 13. The Headmaster, Govt. Middle School Baruhi, Block-Sahaar, District-Bhojpur.
- 14. The Headmaster, Govt. Middle School Inurakhi, Block-Sahaar, District-Bhojpur.
- 15. The Headmaster, Govt. Middle School Purhara, Block-Sahaar, District-Bhojpur.
- 16. The Headmaster, Upgraded Middle School, Yadav Tola, Ikwari, Block-Sahaar, District-Bhojpur.
- 17. The Headmaster, Upgraded Middle School ,Koriyar, Block-Sahaar, District-Bhojpur.
- 18. The Headmaster, Govt. Upgraded Middle School , Kushwaha Tola, Baruhi, Block-Sahaar, District-Bhojpur.
- 19. The Headmaster, Govt. Upgraded Middle School , Kanlodihri, Block-Sahaar, District-Bhojpur.
- 20. The Headmaster, Middle School , Fatehpur Mathiya, Block-Sahaar, District-Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA 8
Mr. Suryakant Kumar, AC to GA 8

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2024 Heard learned counsel for the parties.

2. The present application has been filed for directing the respondents to pay the current salary of the petitioners on regular basis as well as arrears of salary from the date of joining in their respective schools as Block Teachers taking into account that they have been appointed by the competent authority and to give same treatment to the petitioners as has been given to



others in the light of Memo No. 2032 dated 05.05.2018 issued by the Respondent No. 6.

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 under Rule 13 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020. 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 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 concerned District Appellate Authority by filing appeal and the District Appellate Authority is directed to proceed in the matter and dispose of the same in accordance with law, as expeditiously as possible.

6. With the aforesaid observations and directions, this



writ application is disposed of.

7. Needless to state here that the issue of limitation, if any, arises, the same may be considered as the petitioners were pursuing the matter before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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