

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7288 of 2024

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Surendra Kumar Choudhary S/O Late Lutan Choudhary Resident of village
and P.O.- Kancha, P.S.- Ghataha Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Education Government of Bihar, Patna.
2. The Director Primary Education, Government of Bihar, Patna.
3. The District Education Officer, Samastipur
4. The District Program Officer Samastipur.
5. The Block Education Extension Officer Vidyapati Nagar, District- Samastipur.
6. The Mukhiya Bangarhan Panchayat Raj, Block- Vidyapati Nagar, District- Samastipur
7. The Panchayat Secretary Bangarhan Panchayat Raj, Block- Vidyapati Nagar, District- Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the Respondent/s : Mr. Standing Counsel 24

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned
counsel for the respondent/State.

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

***“ (A) To direct the respondent/s
authorities to reinstate the petitioner on
the post of Panchayat Teacher, after
setting aside order dated 10.06.2011
passed by learned District Teacher
Appointment Appellate Authority,
Samastipur whereby learned appellate
authority has dismissed appeal No. 1527***



of 2011 which was filed by the petitioner against the termination of his service from the post of Panchayat Teacher issued vide letter dated 19.08.2008.

(B) To direct the respondent/s to grant all subsequent benefit after passing order of reinstatement/rejoining on the post of Panchayat Teacher recently the respondent as authorities vide its order dated 20.01.2024 have reinstated service of similarly situated persons who were earlier terminated from the service on the very same ground as the petitioner was terminated.

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that writ petition has been filed against the order of District Appellate Authority, for which petitioner has got statutory remedy to file appeal before the State Appellate Authority under Rule 14(c) of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules 2020”), which reads as follows:

“14 (c) The Authority shall hear the appeal against the decisions of District Appellate Authority .”

4. Since the petitioner has got statutory alternative remedy to move before the State Appellate Authority under Rule 14(c) of the Rules 2020, this Court is not inclined to interfere in



the matter in its extra-ordinary writ jurisdiction and directs the petitioner to seek remedy before the State Appellate Authority.

5. Needless to state here that the issue of limitation, if any, arises, the same may be considered, as the petitioner was pursuing the matter before this Court.

6. With above observation and direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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