

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7649 of 2024

=====

Moti Lal Chaudhary Son of Late Adalat Chaudhary, Resident of Village-
Sirsia, P.O.- Sahpur, P.S.- Sahpur, District- Siwan, PIN- 841243.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Education
Department, Government of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The District Education Officer, Siwan.
4. The District Programme Officer (Establishment), Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Respondent/s : Mr. Standing Counsel 16

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2024 Heard learned counsel for the parties.

2. The present application has been filed for directing the respondents to grant promotion to the petitioner in Grade-III pay scale 5500-175-9000 with effect from 08.01.1998 i.e. the date from which juniors to the petitioner have been granted promotion in terms of Finance Department's Resolution No. 6022 dated 18.12.1989.

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 Divisional Commissioner under Rule 14 of the Bihar Taken over



Elementary School Teachers’ Promotion Rules, 1993. 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 Divisional Commissioner 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 Divisional Commissioner by filing appeal and the Divisional Commissioner 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.

(Prabhat Kumar Singh, J)

Navya/-

U			
---	--	--	--

