

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9255 of 2022

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Ravish Mahto Son of SheoJanam Mahto Resident of Village Kewani, Post Office Kewani, Post Office Kewani Police Station Garkha, District Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat Building, Patna.
2. The Nagar Nigam, Chapra through the Chief Executive Officer.
3. The Municipal Commissioner, Municipal Corporation, Chapra.
4. The Headmistress, Laxmi Narayan Gramin Uchch Vidyalaya, Chapra.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Verma, Advocate
For the Municipality	:	Mr. Indu Bhushan, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar (Gp17)

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

6 04-09-2024 Heard learned counsel for the parties.

2. The petitioner has challenged the letter No. 1692 dated 04.10.2019, issued by the Municipal Commissioner, Municipal Corporation, Chapra whereby it has been stated that the petitioner could not be re-employed.

3. The petitioner has also challenged the Clause-11(a) of the letter of the Education Department, Government of Bihar bearing No. 11/B 01-90/2008/2011, dated 25.08.2012, to the extent which clarifies the qualification for appointment of secondary teacher as provided in clause 4 of the Bihar Nagar Nikay Madhyamic and Uchhtar Madhyamic Shikshak (Niyojan Awam Seva Shart) Niyamawali, 2006 (amendment), i.e.,

appointment Rules, 2006 *inter alia* providing for passing of eligibility test from the subject allotted contending that it is opposed to the Rules.

4. The petitioner was appointed as Graduate Untrained Teacher in Hindi subject by the Municipal Executive Officer, Municipal Council, Chapra vide appointment letter dated 11.02.2014. The service of the petitioner was terminated by an order dated 21.07.2014, issued by the Municipal Executive Officer, Municipal Council, Chapra (annexure-P8 to the writ petition) which was put to challenge by the petitioner by filing Appeal No. 01/2018 before the District Teachers Employment Appellate Authority, Chapra.

5. The appeal filed by the petitioner was dismissed by the District Teachers Employment Appellate Authority, Chapra vide order dated 03.12.2018. On an appeal preferred by the petitioner before the State Appellate Authority against the order of the District Teachers Employment Appellate Authority, Chapra, the State Appellate Authority, which had registered the appeal preferred by the petitioner as Appeal Case No. 208/2019, had disposed of the said appeal vide order dated 23.05.2019 by remanding the matter back to the authorities of the Municipality/ Municipal Corporation.

6. It was in pursuance of the order of the State Appellate Authority, passed in appeal No. 208/2019, the Municipal Commissioner has issued the impugned letter No. 1692 dated 04.10.2019, whereby it has been stated that the petitioner could not be re-employed.

7. Since the issue raised by the petitioner is with regard to the petitioner's employment as Teacher under the Municipal Corporation, having regard to the provisions of the Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020 and the decision rendered by this Court in *C.W.J.C. 10222 of 2022* in the case of *Rani Kumari vs. the State of Bihar and others* along with series of connected writ petitions, this writ petition is hereby disposed of with liberty granted to the petitioner to approach the concerned District Appellate Authority for redressal of the grievances raised in the present writ petition.

8. The writ petition stands disposed of with the above directions.

(Nani Tagia, J)

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