

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9534 of 2024**

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Dilip Kumar son of Bundi Prasad, resident of Village-Akauna, P.S.-Sirdala,  
District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,  
Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The District Programme Officer, Establishment Education, Nawada.
4. The District Education Officer, Nawada.
5. The Block Education Officer, Sirdala, Nawada.
6. The Panchayat Secretary, Gram Panchayat Bandhi Block Sirdala, Nawada.
7. The Mukhiya, Gram Panchayat Bandhi Block Sirdala, Nawada.
8. Mukesh Kumar, Son of Ram Jatan Prajapati, resident of Village-Panari, P.S.-  
Belaganj, District-Gaya.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner | : | Mr. Mithilesh Kumar Rai, Advocate |
| For the State      | : | Mr. Advocate General              |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      04-12-2024                      Heard learned counsel for the parties.

2. The present writ application has been filed for  
execution of the order dated 25.02.2019 passed by the State  
Appellate Authority, Education Department, Bihar in Appeal  
(Case) No. Appeal/379/2018.

3. At the outset, learned counsel appearing on behalf  
of the State raises preliminary objection to the effect that an  
alternative Statutory remedy is available to the petitioner to  
move before the competent authority by way of filing



appropriate application under Section 16 of Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, which reads as:

***“16. Power to impose Punishment:- In case of non-compliance of the order/direction or in case of any complaints by the party for compliance of the order:-***

*(i) The Appellate Authority shall impose punishment against-concerned party but he will be given adequate opportunity of hearing before imposing punishment.*

*(ii) The Appellate Authority may impose penalty upto Rs. 50,000/- (Fifty thousand only) upon the answerable party. The amount of penalty shall be deposited in the Treasury under the head indicated by the Department. The amount of penalty shall be recoverable by way of Public demand.*

*(iii) The Appellate Authority shall have jurisdiction to make recommendation to the concerned Department to initiate Departmental proceeding or to take necessary action against the delinquent employee under the provisions of Bihar Service Code/Bihar Panchayat Raj Act 2006/Bihar Municipal Act 2007 and other relevant provisions.”*

4. In view of the aforesaid facts and circumstances, petitioner is directed to file an application before the State Appellate Authority in accordance with law.

5. In the event, such application is filed by the petitioner, the authority concerned is directed to dispose of the same, in accordance with law, after hearing the parties, by a reasoned and



speaking order, as expeditiously as possible.

6. With the aforesaid observations and directions, this writ application stands disposed of.

7. It goes without saying that if any question of limitation arises before the Appellate Authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

**(Prabhat Kumar Singh, J)**

shashank/-

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