

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10996 of 2023

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Ranjit Kumar Verma S/o Bhagirath Prasad Resident of Village-Rampur, P.S.-
Thali, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secreary, Secondary Education,
Govt. of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The District Public Complaint Redressal, Nawada.
4. The Distirct Education Officer, Nawada.
5. The Block Education Officer, Govindpur, Nawada.
6. The In-Charge, Principal, Utkramit Secondary School, Rampur, Govindpur,
Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Pramod Kumar Verma, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2024 Heard learned counsel for the parties.

2. This writ application has been filed for the
following relief/s:-

*“I. To issue an appropriate order/s direction/s including
a writ preferably in the nature of Certiorari for
quashing the letter vide Gyapank No. 183 dated
25.01.2023 issued by Respondent No. 4 by which
appointment of the petitioner as a Nigh Guard was
terminated and further allow the petitioner to continue
for the same post.*

*II. To issue a writ in the nature of Mandamus for a
direction to the respondent authorities to allow to
continue on the post of night guard to the petitioner as*



he has rendered his service since 28.12.2019 as a Night Guard in Utkramit Secondary School, Rampur, Govindpur, Nawada.

III. For issuance of appropriate writ/writs, order/orders, direction/ directions to pay the salary of the petitioner which has been withheld since 28.12.2019 by the respondent because petitioner discharge his duty since 28.12.2019 till termination of his service.

IV. To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

3. Admittedly, the petitioner was holding the post of Night Guard and has been removed from services vide Gyapank Ni. 183 dated 25.01.2023 issued under the signature of the District Education Officer, Nawada (Respondent No. 4).

4. At the outset, learned counsel appearing on behalf of the State raises preliminary objection to the grievances of the petitioner can suitably be redressed in terms of the statutory provisions contained in Section 10 (a) of the Industrial Disputes Act, 1947.

5. Since the petitioner has got statutory alternative remedy under Section 10 (a) of the Industrial Disputes Act, 1947, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

6. In view of the aforesaid facts and circumstances, petitioner is granted liberty to avail the alternative statutory



remedy available to him under Section 10 (a) of the Industrial Disputes Act, 1947 in accordance with law.

7. 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.

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

9. It goes without saying that if any question of limitation arises before the concerned 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)

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