

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13766 of 2022

Sunaina Kumari Daughter of Dashrath Yadav, Wife of Sarvdeo Yadav, Resident of Village- Baba Nagar, By Pass Road, Jaso, Police Station,- Buxar (Muffasil), District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Buxar.
5. The District Education Officer, Buxar.
6. The District Programme Officer Establishment, Buxar.
7. The District Public Grievance Redressal Officer, Buxar.
8. The Block Teacher Appointment Committee, through its Secretary, Block Development Officer, Brahampur, Block, District- Buxar.
9. The Block Development Officer, Brahampur Block, District- Buxar.
10. The Block Education Officer, Brahampur Block, District- Buxar.
11. The Headmaster, Girl Middle School, Brahampur, District- Buxar.
12. Ajay Kumar Singh Son of Late Bageshwari Singh, Collectorate Road, Buxar (T), District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s : Mr. Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 31-08-2024

Heard learned counsel for the parties.

2. The petitioner has challenged the Memo No. 1806 dated 23.08.2022 issued under the signature of respondent No. 9/the Block Development Officer, Brahampur Block, District - Buxar, whereby, the petitioner's service as Block Teacher has been dismissed.

3. The learned counsel for the petitioner contends that the petitioner was earlier dismissed from service by an order dated 16.01.2017, issued by Block Development Officer, Brahampur Block,



District – Buxar, vide Memo No. 87. The said dismissal order was put to challenge by the petitioner by filing an Appeal No. 04/2018 before the District Appellate Authority, Buxar. The District Appellate Authority, Buxar vide order dated 28.12.2019 passed in the aforesaid appeal preferred by the petitioner had set aside the dismissal order dated 16.01.2017.

4. Against the order 28.12.2019 passed by the District Appellate Authority, Buxar in Appeal No. 04/2018, the Block Education Officer, Brahampur, Buxar, the Block Development Officer, Brahampur, the District Education Officer, Buxar and the District Officer, Buxar preferred an appeal before the State Appellate Authority which was registered as Appeal Case No. 134 of 2020.

5. The State Appellate Authority vide order dated 02.03.2021 dismissed the appeal preferred, thereby, upholding the order passed by the District Appellate Authority, Buxar, setting aside the dismissal order passed by the Block Development Officer, Brahampur, Buxar.

6. The learned counsel for the petitioner now contends that the Block Development Officer, Brahampur, Buxar has issued the impugned dismissal order dated 23.08.2023 under Memo No. 1806 on the same set of facts and accordingly, learned counsel for the petitioner contends that the matter is barred by the principle of *res judicata*.

7. Since, there is no dispute that the petitioner, is a Block Teacher and governed by the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020



(hereinafter referred to as 'the Rules'); in view of the provisions of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020, and the decision rendered by this Court *in C.W.J.C. No. 10222 of 2022* in the case of *Rani Kumari versus State of Bihar and others* along with series of connected writ petitions, I am of the view, that the petitioner has an adequate and efficacious alternative remedy before the concerned District Appellate Authority and thereafter, before the State Appellate Authority for which the petitioner may approach the concerned Appellate Authority in accordance with the Rules for redressal of the grievances raised in the present writ petition.

7. Accordingly, this writ petition shall stand disposed of with liberty granted to the petitioner to approach the concerned Appellate Authority for redressal of the grievances, placed by the petitioner, in the instant writ petition.

(Nani Tagia, J)

Siddharth/
Siwani-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2024
Transmission Date	NA

