

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12023 of 2023

1. Chanda Kumari Daughter of Sri Surendra Prasad, Wife of Shashi Ranjan Kumar Srivastava, Permanent Resident of Village-Pipra Ragho, Gram Panchayat-Rajepur, P.S.-Sahebgunj, District-Muzaffarpur At Present Resident of Village and P.O.-Mathurapur, P.S.-Warisnagar, District-Samastipur.
2. Gunjan Kumari Daughter of Sri Surendra Prasad Wife of Dhreeraj Kumar Resident of Village-Pipra Ragho, Gram Panchayat-Rajepur, P.S.-Sahebgunj, District-Muzaffarpur At Present Resident of Indra Nagar Colony, Post-Ramna Atardah Salahapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Superintendent of Police, (Teacher Enquiry) Vigilance Investigation Bureau, Patna, Bihar
5. The Deputy Superintendent of Police, (Teacher Enquiry) Vigilance Investigation Bureau, Patna, Bihar
6. The District Magistrate, Muzaffarpur.
7. The District Programme Officer (SSA), Muzaffarpur.
8. The District Education Officer, Muzaffarpur.
9. The District Programme Officer (Estb), Muzaffarpur.
10. The Sub Divisional Officer, Muzaffarpur.
11. The Block Development Officer, Sahebgunj, Muzaffarpur.
12. The Block Education Officer, Sahebgunj, Muzaffarpur.
13. The Panchayat Secretary, Gram Panchayat Raj, Rajepur, Muzaffarpur.
14. The Mukhiya, Gram Panchayat Raj, Rajepur, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Praveen, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra (Sc16)
For Vigilance	:	Mr. Rana Vikram Singh, Specia PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-12-2024

Heard the parties.



2. This writ application has been filed for the following reliefs:-

(A) For the issuance of appropriate writ/writs, order/orders, direction/directions to the Respondent authorities to immediately take appropriate action on the application filed by the petitioners 27.03.2023 (Anx-12) in the light of direction and order dated 06.05.2019 passed in C.W.J.C. No.-10068/2019 by the Hon'ble court.

(B) For the issuance of appropriate writ/writs, order/orders, direction /directions to the respondent authorities to conduct proper enquiry with respect to the appointment of Primary school teachers in the year 2005 under Gram Panchayat Raj- Rajepur in which petitioner name has been deliberately not considered and the persons having forged and fabricated documents were appointed without following the guidelines and Rooster of the Govt.

(C) For the issuance of appropriate writ/writs, order/orders, direction / directions to the respondent authorities to look into the matter and take appropriate action against the all responsible persons including the illegal appointees in accordance with law within a reasonable period as the matter is pending before the respondent authorities for last about 17 years.

(D) For direction to the respondent authorities to consider the candidature of petitioners giving them age relaxation as the petitioner's candidature was arbitrarily not considered by the respondent no.- 13 and 14 in the year 2006 appointment although both petitioners are most competent and suitable candidate among the all other candidates who were



appointed on the basis of forged and fabricated documents after taking illegal gratification from them.

(E) For any other relief/reliefs to which the petitioners are found entitled under the facts and circumstances of the present case .

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 petitioners to move before the District Appellate Authority by way of filing appropriate application under Section 13 of Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2020 (hereinafter referred as “Rules, 2020”), which deals with the power and functions of the District Appellate Authority.

4. Since the petitioners have got statutory alternative remedy to move before the District Appellate Authority under Rule 13 of the Rules 2020, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

5. In view of the aforesaid facts and circumstances, petitioners are directed to file an application before the District Appellate Authority in accordance with law.

6. In the event, such application is filed by the petitioners, 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.

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

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

(Prabhat Kumar Singh, J)

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