

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9306 of 2022

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Rajiya Sultana Daughter of Mustafa Kamal, Resident of Ward Number 15,
Santoshi Nagar, Panchyat Bakhri, P.S.-Bakhri and District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Primary Education Department of Education, Government of Bihar, Patna.
2. The Regional Deputy Director, Munger Division, Munger.
3. The District Education Officer, Begusarai.
4. The District Program Officer (Establishment), Education Department, Begusarai.
5. The Executive Officer, Nagar Panchyat, Bakhri, Begusarai.
6. The Block Education Officer, Bakhri, Begusarai.
7. The Chairman, Bihar School Examination Board, Patna, Bihar.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 764 of 2022

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1. Pragati Mishra Daughter of Sri Brajendra Mishra Resident of Village-Bagahi Ramdas, P.O.-Bagahi Bazar, P.S.-Kateya, District- Giopalganj
 2. Sandip Kushwaha Sono f Sri Jiut Kushwaha, Resident of Village-P.O.- Parsauni, P.S. and District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 4661 of 2022

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Md Nasim, Son of Abdul Gafoor, Resident of Village-Yamsham Kua Tol,
P.S.-Pandaul, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Education Department, Government of Bihar,



Patna.

3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Madhubani.
5. The District Programme Officer, (Establishment), Madhubani.
6. The Block Education officer, Pandaul, District-Madhubani.
7. The Panchayat Secretary, Gram Panchayat Raj, Dahiwat, Madhopur West, Block and P.S.-Pandaul, District-Madhubani.
8. The District Public Grievance Redressal Officer, Madhubani.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7351 of 2022

1. Md. Aslam Ali, S/o Abdus Sattar Ansari R/o Village-Chakni, P.O.-Bhittha Bazar, P.S.-Sursand, District-Sitamarhi at Present Working as Panchayat Teacher Government of Primary School Maktab Chakni, Gram Panchayat Raj Diwari Matauna, Block-Sursand, District-Sitamarhi.
2. Md. Mansoor Alam S/o Late Md. Khalil Ansari R/o Village- Barahi Mohan Tole- Phulwariya, P.O.- Barahi Jagdish, P.S.- Purnahiya, District- Sheohar at Present working as Panchayat Teacher Government Primary School Sasaula Kanya, Block- Suppi, District- Sitamarhi.
3. Karunakar Kumar Singh S/o Ram Kinkar Singh R/o Village-Manik Chauk, P.O.-Kamaldah, P.S.-Runnisaidpur, District-Sitamarhi at Present Working as Block Teacher Government Middle School Kodariya, Kaudiya, Lalpur Block-Runnisaidpur, District-Sitamarhi.
4. Jitendra Ram S/o Ramashis Ram R/o-Village and P.O.-Kumma, P.S.-Sursand, District-Sitamarhi. at Present Working as Block Teacher Government Middle School Sahaniyanpatti Block-Sursand, District-Sitamarhi.
5. Md. Raza, S/o Md. Motiur Rahman R/o Village and P.O.-Bath Asli, P.S.-Nanpur, District-Sitamarhi. at Present Working as Panchayat Teacher Government Primary School Pokharaira Urdu, Block-Bokhra, District-Sitamarhi.
6. Omais Ahmad S/o Md. Habibul Rahman, R/o-Village and P.O.-Parsauni, P.S.-Bisfi, District-Madhubani. at Present Working as Panchayat Teacher Government Primary School Maktab Chakni, Block-Sursand, District-Sitamarhi.
7. Md. Mumtaz Ahmad S/o Abdul Kayum Ansari R/o-Village and P.O.-Parihar, P.S.-Parihar, District-Sitamarhi, at Present Working as Panchayat Teacher Government Primary School Maktab Chakni, Block-Sursand, District-Sitamarhi.
8. Nikhat Khatoon D/o Md. Sabir Hussain, W/o Md. Wasim Ansari R/o Village-Chakni, P.O.-Bhittha Bazar, P.S.-Sursand District-Sitamarhi. at Present Working as Block Teacher Government Middle School urdu Bindhi, Block-Sursand, District-Sitamarhi.



9. Md. Javed Alam S/o Md. Reja Alam R/o Village and P.O.-Bariyarpur, Block-Dumra, P.S. and District-Sitamarhi. at Present Working as Block Panchayat Teacher Government Primary School Matauna Urdu, Block-Sursand, District-Sitamarhi.
10. Satynarayan Paswan S/o Tapeswar Paswan R/o Village and P.O.-Barahi, Block and P.S.-Parihar, District-Sitamarhi. at Present Working as Panchayat Teacher Government Primary School Jokahi Tol, Block-Sursand, District-Sitamarhi.
11. Md. Reyaz Ahmad S/o Abdul Kuddus, R/o Village-Chandpatti, P.O.-Harari Dularpur, Block and P.S.- Sursand, District-Sitamarhi. at Present Working as Panchayat Teacher Government Primary School Jokahi Tol, Block-Sursand, District-Sitamarhi.
12. Abdul Wahid, S/o Abdul Hamid R/o Village-Banauli, P.O.-Harari Dularpur, Block and P.S.-Sursand, District-Sitamarhi. at Present Working as Block Teacher Government Middle School Maktab Chandpatti, Block-Sursand, District-Sitamarhi.
13. Pratima Kumari D/o hari Ballabh Singh, W/o-Kundan Kumar, R/o-Village-New Aria Court Lakhisarai, P.O.-Lakhisarai , Block and P.S.-Lakhisarai, District-Lakhisarai at Present Working as Panchayat Teacher Government Primary School Baghari, Ward No.-13, Block-Sursand, District-Sitamarhi.
14. Kavita Kumari D/o Upendra Baitha, W/o-Rajeev Baitha, R/o Village and P.O.-Sutihara, Block and P.S.-Parihar, District-Sitamarhi. at Present Working as Block Teacher Government Middle School Adalpur, Block-Sursand, District-Sitamarhi.
15. Sarita Kumari D/o Yogendra Shukla, W/o-Om Prakash Jha, R/o Village-Virraakh, P.O.-Baghari, Block and P.S.-Sursand, District-Sitamarhi. at Present Working as Panchayat Teacher New Created Government Primary School Bara Purvitol, Block-Sursand, District-Sitamarhi.
16. Nasra Khatoon W/o-Md. Zafir Alam R/o Village- Bhagwatipur, P.O.-Meghpur, Block and P.S.-Sursand, District-Sitamarhi. at Present Working as Panchayat Teacher Government Primary School Bhawatipur Urdu Block-Sursand, District-Sitamarhi.
17. Zahida Khatoon D/o Zamiruddin, W/o-Ziyauddin Ansari R/o Village and P.O.-Koili, Block and P.S.-Bathnaha, District-Sitamarhi. at Present Working as Block Teacher Government Primary School Bara, Block-Sursand, District-Sitamarhi.
18. Bishnu Deo Ram S/o-Sri Jibachh Ram R/o-Village and P.O.-Diwari, Block and P.S.-Sursand, District-Sitamarhi. at Present Working as Panchayat Teacher Government Primary School Maktab Cakni, Block-Sursand, District-Sitamarhi.
19. Md. Razauddin S/o Md. Zahedul Qadri R/o Village-Gopalpur, P.O.-Sursand, Block and P.S.-Sursand, District-Sitamarhi. at Present Working as Panchayat Teacher Government Primary School Birraakh, Block-Sursand, District-Sitamarhi.
20. Md. Wakil Akhtar S/o Md. Jamil Akhtar, R/o Village- Chakni, P.O.-Baittha Bazar, Block and P.S.-Sursand District-Sitamarhi at Present Working as Block Teacher Government Middle School Hanuman Nagar, Block-Sursand,



District-Sitamarhi.

21. Md. Naushad Ali S/o Md. Afak, R/o Village and P.O. Mehsaul, Block Dumra P.S. Sitamarhi, District Sitamarhi at Present working as Block Teacher Government Middle School Adalpur, Block Sursand, District Sitamarhi.
22. Dinesh Ram S/o Gajadhar Ram R/o Village-Pipra Prasain Tola, ram Nagar ,P.O.-Pipra Prasain Pakariya, Block and P.S.-Sonbarsa, District-Sitamarhi at Present Working as Block Teacher at Middle School Pakariya, Block-Sonbarsa, District-Sitamarhi
23. Jay Narayan Ram S/o Mahendra Ram R/o Village and P.O.-Jagdar, Block and P.S.-Parihar, District-Sitamarhi at Present Working as BLock Teacher Government Middle School Narkariya 1, Block-Sonwarsa, District-Sitamarhi.
24. Laliteshwar Paswan S/o Sukhdev Paswan R/o Village and P.O. Piraukhar, Block and P.S. Madhwapur, District Madhubani at Present working as Panchayat Teacher Government Primary School Lohar Tol Varma, Block Choraut, District Sitamarhi.
25. Md. Faiz Reza S/o Md. Qais Reza R/o Village Matauna, P.O. Divari atauna, Block and P.S. Sursand, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Yogiya,Block Choraut, District Sitamarhi.
26. Ashok Kumar S/o Sri Ramvaran Das R/o Village Virauli, P.O. Janakpur Road, Block and P.S. Pupri, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Jamuniya, Block Choraut, District Sitamarhi.
27. Jitendra Paswan S/o Raghunath Paswan R/o Village - Birrakh, P.O. Baghri, Block and P.S. Sursand, District Sitamarhi at Present working as Block Teacher Government Upgraded Middle School Bhutaha, Block Choraut, District- Sitamarhi.
28. Abhishekhar Kumar Suman S/o Sri Ram Sharan Paswan R/o Village and P.O. and Block and P.S. Choraut, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Dumrvana, Block Choraut, District Sitamarhi.
29. Ram Sagar Sahani S/o Poshan Sahani, R/o Village- Rampatti, P.O. Bharwara, Block and P.S. Singhwara, District - Darbhanga at Present working as Panchayat Teacher Government Primary School Choraut, Block Choraut, District Sitamarhi.
30. Anita Kumari D/o Sri hari Narayan Nayak, W/o Naval Kishor Raut, R/o Village and P.O. and Block and P.S. Choraut, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Choraut Sanskrit, Block Choraut, District Sitamarhi.
31. Manju Kumari D/o Late Sri Ramdev Das, W/o Yogendra Ram R/o Village Jaitpur, P.O. Pupri, Block and P.S. Pupri, District Sitamarhi at Present working as Panchayat Teacher overnment Primary School Choraut (SC), Block Choraut, District- Sitamarhi.
32. Ratna Kumari D/o Late ram Charitra Das R/o Village Gannipur Hajipur Road Muzaffarpur, P.O.Ramna, P.S. Kaji Mohammadpur, District Hajipur at Present working as Panchayat Teacher Government Primary School



Musahari Tol Bhantavari, Block Choraut, District Sitamarhi.

33. Rajesh Kumar Paswan S/o Narayan Paswan R/o Village Durgauli, P.O. Manpaur, Block and P.S. Benipatti, District Madhubani at Present working as Block Teacher Government Middle School Moshidha Urdu, Block Choraut, District Sitamarhi.
34. Dharmendra Kumar S/o Nageshwar Pandey R/o Village and P.O. Sutihara, Block and P.S. Parihar, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Dumarwana, Block Choraut, District Sitamarhi.
35. Sujeeta D/o Sri Amarnath Thakur R/o Village and P.O. and Block and P.S. Choraut, District Sitamarhi at Present working as Block Teacher Government Middle School Balruaa, Block Choraut, District Sitamarhi.
36. Indrakala Kumari D/o Sri Laxmi Manjhi R/o Village Parigama, P.O. Chak Chikna, Block and P.S. Choraut, District Sitamarhi at Present working as Primary Teacher Government Primary School Yogiya, Block Choraut, District Sitamarhi.
37. Gunjan Kumari D/o Sri Ajay Shankar Chaudahry R/o Village and P.O. Tara Jivar, Block Aurai, P.S. Hathauri, District Muzaffarpur at Present working as Panchayat Teacher Government Primary School North Tol, Block Choraut, District Sitamarhi.
38. Soni Kumari D/o Bachchu Kant Mishra R/o Village and P.O. and Block Choraut, P.S. Pupari, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Ghughala Choraut, Block Choraut, District Sitamarhi.
39. Nagendra Kumar Sah S/o Sri Ramchandra Sah R/o Village Bajitpur Baura, P.O. Baura Bajitpur, Block and P.S. Pupari, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Ghughala, Block Choraut, District Sitamarhi.
40. Md. Zubair Zafar, S/o Md. Zahid Husain Ansari R/o Village Rajghatta, P.O. Barri, Block and P.S. Benipatti, District Madhubani at Present working as Panchayat Teacher Government Upgraded Primary School Pachasi, Block Pupari, District Sitamarhi.
41. Archana Kuamri D/o Sri Balishwar Thakur R/o Village and P.O. Basuki Bihari (South), Block and P.S. Madhavapur, District Madhubani at Present working as Block Teacher Government Middle School Khoriya, Block Choraut, District Sitamarhi.
42. Shyama Kumari D/o Sri Yogendra Paswan R/o Village P.O. Basuki Bihari (South), Block and P.S. Madhavapur, District Madhubani at Present working as Block Teacher Government Middle School Khoriya, Block Choraut, District Sitamarhi.
43. Kumar Krishan S/o Paras Ray R/o Village Khoriya, P.O. Choraut, Block and P.S. Choraut, District Sitamarhi at Present working as Block Teacher Government Middle School Khoriya, Block Choraut, District- Sitamarhi.
44. Smita Kumari D/o Suresh Chaudhary R/o Village Harpur, P.O. Ladaur, Block Singhvara, P.S. Simri, District Darbhanga as Present working as Panchayat Teacher Government Primary School Amanpur Kanya Choraut, Block Choraut, District Sitamarhi.



45. Sarita Kumari D/o Ram Udgar Pandit R/o Village and P.O. Kohbarba, Block P.S. Sonbarsa, District Sitamarhi at Present working as Block Teacher Government Middle School Dhanhara, Block Runnisaidpur, District Sitamarhi.
46. Sanjay Kumar S/o Brahmdev Das R/o Village and P.O. Manik Ckauk, Block and P.S. Runnisaidpur, District Sitamarhi at Present working as Block Teacher Government Middle School Lohasi, Block Belsand, District Sitamarhi.
47. Devendra Paswan S/o Kapildev Paswan R/o Village Rupauli, P.O. Koili, Block and P.S. Bathnaha, District Sitamarhi at Present working as Block Teacher Government Middle School Dhanhara, Block Runnisaidpur, District Sitamarhi.
48. Ratneshwar Thakur S/o Late Dukhi Thakur R/o Village an P.O. Bhadyan, Block and P.S. Nanpur, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Adhagaun Tole Sripur, Block Nanpur, District Sitamarhi.
49. Kanchan Kumar Dharmendra S/o Ram Briksha Thakur R/o Village and P.O. Ayari, Block and P.S. and Runnisaidpur, District Sitamarhi at Present working as Block Teacher Government Middle School Hadridih, Block Runnisaidpur, District Sitamarhi.
50. Jiveshwar Paswan S/o Rajdev Paswan R/o Village Kamalapatpatti, P.O. Khauna, Block and P.S. Harlakhi, District Madhubani at Present working as Block Teacher Government Middle School Hajipur, Block Bathnaha, District Sitamarhi.
51. Rita Kumari D/o Jiyalal Ram R/o Village and P.O. Posua, Block and P.S. Riga, District Sitamarhi at Present working as Block Teacher Government Middle School Baghmari, Block Bathnaha, District Sitamarhi.
52. Md. Naiyar Alam S/o Md. Hasnain, R/o Village Mohandih, P.O. Banchauri, Block and P.S. Dumra, District Sitamarhi at Present working as Block Teacher Government Middle School Vishanpur, Block Dumra, District Sitamarhi.
53. Ramchandra Ram S/o Late Yogendra Ram R/o Village Mohandih, P.O. Banchauri, Block and P.S. Dumra, District Sitamarhi at Present working as Block Teacher Government Upgraded Middle School Mirzapur Hindi, Block Dumra, District Sitamarhi.
54. Laxman Paswan S/o Ramdaresh Paswan R/o Village and P.O. Dhanushi, Block and P.S. Runnisaidpur, District Sitamarhi at Present working as Block Teacher Government Middle School Vishanpur, Block Dumra, District Sitamarhi.
55. Md. Seraj Ansari S/o Md. Rafique Ansari R/o Village Berbas, P.O. Raghobpur Bakhri, Block and P.S. Dumra, District Sitamarhi at Present working as Block Teacher Government Middle School Parmanandpur, Block Dumra, District Sitamarhi.
56. Mritunjay Kumar Thakur S/o Ram Padarth Thakur R/o Village and P.O. Sasaula, Block and P.S. Suppi, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Gharvara Kanya, Block Suppi, District Sitamarhi.



57. Md. Ansar S/o Ejazul Haque, R/o Village Gopaiya, P.O. Bhorhan, Block and P.S. Sheohar, District Sheohar at Present working as Block Teacher Government Middle School Barahi Urdu, Block and P.S. Parihar, District Sitamarhi.
58. Indrashan Kumari D/o Bindeshwar Das R/o Village Basant Khurd, P.O. Block P.S. Suppi, District Sitamarhi at Present working as Block Teacher Government Upgraded Middle School Gharvara, Block Suppi, District Sitamarhi.
59. Soni Bano D/o S.A. Mannan Mazhar, W/o-Saiyad Md. Rizvan, R/o Village Murliya Chak, Ward No 03, P.O. Chakmahila, Block Dumra, P.S. and District Sitamarhi at Present working as Panchayat Teacher Government Primary School Sasaula Kanya, Block Suppi, District Sitamarhi.
60. Shabana Khatoon D/o Md. Nurul Haque R/o Village Amba Shekh Toli, P.O. Ambakala, Block and P.S. Piprahi, District Sheohar at Present working as Panchayat Teacher Government Primary School Sasaula Kanya, Block Suppi, District Sitamarhi.
61. Md. Aftab Alam S/o-Md. Hasnain, R/o Village and P.O. Banchauri, Block and P.S. Dumra, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Sasaula Kanya, Block Suppi, District Sitamarhi.
62. Kiran Kumari D/o Ram Pragas Ram R/o Village Barahi Chitaman, P.O. Boktha, Block and P.S. Suppi, District Sitamarhi at Present working as Block Teacher Government Middle School Suppi Kanya, Block Suppi, District Sitamarhi.
63. Abdul Qadir S/o Md. Israil R/o Village and P.O. Mehsaul, Block and P.S. Dumra, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Sasaula Kanya, Block Suppi, District Sitamarhi.
64. Harjat Ali S/o Md. Kasim R/o Village and P.O. Akhata, Block and P.S. Suppi, District Sitamarhi at Present working as Block Teacher Government Middle School Sasaula Balak, Block Suppi, District Sitamarhi.
65. Guddi Kumari D/o Sohan Mahto R/o Village Barva Khurd, P.O. Singhanw, Block Bagha 2, P.S. Laukariyan, District West Champaran at Present working as Block Teacher Government Middle School Kothiya Ray, Block Suppi, District Sitamarhi.
66. Jay m Prakash S/o Sri Ram Ekbal Mahto R/o Village Jay Nagar, P.O. Bandar Jhula, Block and P.S. Sonbarsa, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Muhchatti Hindi, Block Sonbarsa, District Sitamarhi.
67. Aami Chand Sahani S/o Raj Dev Sahani R/o Village Rampur Badchaura, P.O. Phulhara, Block Parihar, P.S. Bela, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Kachharipur, Block Sonwarsha, District Sitamarhi.
68. Md. Ilyas S/o Andul Hafiz R/o Village Barahi Chintaman, P.O. Boktha, Block and P.S. Suppi, District Sitamarhi at Present working as Panchayat Teacher Government Primary Kanya School Rajpur, Block Rajpur Suppi, District Sitamarhi.
69. Shabnam Khanam D/o Md. Mojammil Husain Khan R/o Village and P.O.



Akhta, Block Suppi, P.S. Bairganiyan, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Akhta Mshlim Tol, Block Suppi, District Sitamarhi.

70. Nek Mohammad Rahmani S/o Md. Rahmatullah Rahmani, R/o Village and P.O. Manik Chowk, Block and P.S. Runni Saidpur, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Basopatti, Block Nanpur, District Sitamarhi.
71. Monira Khatoon D/o Md. Sammi Akhtar, R/o Village Maulla Nagar, P.O. Pachnaur, Block and P.S. Belsand, District Sitamarhi at Present working as Panchayat Teacher Government Primary School Sasaula Kanya, Block Suppi, District Sitamarhi.
72. Hajra Khatoon D/o Md. Majibur Rahman R/o Village and P.O. Bariyarpur, Block Dumra, P.S. Sitamarhi, District Sitamarhi at Present working as Block Teacher Government Middle School Bagha, Block Sonwarsha, District Sitamarhi.
73. Pinki Kumari D/o Brij Bihari Thakur R/o Village and P.O. Harari Dularpur, Block Sursand, P.S. Sursand, District Sitamarhi at Present working as Block Teacher Government Middle School jagdar Hindi, Block Parihar, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secreary, Education Department, Government of Bihar, Patna.
3. The Deputy Secrerary Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The District Magistrate, Sitamarhi, District-Sitamarhi.
6. The District Education Officer, Sitamarhi, District-Sitamarhi.
7. The District Programme Officer, Establishment (Education), Sitamarhi, District-Sitamarhi.
8. The Block Education Officer, Sursand, District-Sitamarhi.
9. The Block Education Officer, Suppi, District-Sitamarhi.
10. The Block Education Officer, Runnisaidpur, District-Sitamarhi
11. The Block Education Officer, Bokhra, District-Sitamarhi.
12. The Block Education Officer, Sonbarsa, District-Sitamarhi.
13. The Block Education Officer, Choraut, District-Sitamarhi.
14. The Block Education Officer, Pupri, District-Sitamarhi.
15. The Block Education Officer, Belsond, District-Sitamarhi.
16. The Block Education Officer, Nanpur, District-Sitamarhi.
17. The Block Education Officer, Bathnaha, District- Sitamarhi.
18. The Block Education Officer, Dumra, District- Sitamarhi.
19. The Block Education Officer, Parihar, District- Sitamarhi.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10674 of 2022

Shanti Sharma W/o Amarnath Thakur, R/o Village - Azam Nagar, P.O. - Lalbagh, P.S. - L.N.M.U, District - Darbhanga, at Present Posted as Block Teacher (Graduate Grade) at Government Middle School Motipur, Block - Alinagar, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department Government of Bihar, Patna.
4. The District Magistrate, Darbhanga, District - Darbhanga.
5. The District Education Officer, Darbhanga, District - Darbhanga.
6. The District Programme Officer, Establishment (Education), Darbhanga, District - Darbhanga.
7. The Block Development Officer-Cum-Member-Secretary, Block Teacher Employment Committee Alinagar, District - Darbhanga.
8. The Block Panchayat Raj Officer, Alinagar, District - Darbhanga.
9. The Education Officer, Alinagar, District - Darbhanga.
10. Smt. Asha Kumari, D/o Girendra Mohan, R/o Village - Dhamsain, P.S. - Alinagar, District - Darbhanga, Pin Code - 847405.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11461 of 2022

Pravin Kumar Pandey Son of Sri Surendra Pandey, Resident of Village and P.O.- Badkagaon, P.S. - Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Gopalganj.
4. The Deputy Development Commissioner, Gopalganj.
5. The District Education Officer, Gopalganj.
6. The District Programme Officer (Establishment), Gopalganj.
7. The Block Teachers Employment Committee, Uchkagaon through its



Member Secretary, the Block Development Officer, P.O. and P.S. - Uchkagaon, District - Gopalganj.

8. The Block Education Officer, Uchkagaon, P.O. and P.S. - Uchkagaon, District- Gopalganj.
9. Jitesh Kumar Singh Son of Sri Lal Babu Singh, Resident of village - Ratan Chak (Naya Tola), P.O. and P.S. - Hathua, District - Gopalganj, Presently working as Block Teacher, Middle School, Sathi, Block - Uchkagaon, District - Gopalganj.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 12229 of 2022

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Kumari Kavita Yadav @ Km. Kavita Yadav Daughter of Sri Raghu Yadav Resident of Village-sahu Chak, P.O.-Kamlakant Karariya, P.S.-Phulwariya, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Gopalganj.
4. The Deputy Development Commissioner, Gopalganj.
5. The District Education Officer, Gopalganj.
6. The District Programme Officer (Establishment), Gopalganj.
7. The Block Education Officer, Bhore, P.O. and P.S.-Bhore, District-Gopalganj.
8. The Panchayat Secretary, Gram Panchayat Raj, Rakba, Block-Bhore, P.O. and P.S.-Bhore, District-Gopalganj.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 12615 of 2022

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Kumari Parul @ Km. Parul Wife of Awadhesh Ram, Resident of Village - Fattu Chhapar, P.O. - Bankatta Jagirdari, P.S. - Bhore, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Gopalganj.
4. The Deputy Development Commissioner, Gopalganj.
5. The District Education Officer, Gopalganj.



6. The District Programme Officer (Establishment), Gopalganj.
7. The Block Education Officer, Kuchaikote, P.O. and P.S. - Kuchaikote, District - Gopalganj.
8. The Panchayat Secretary, Gram Panchayat Raj, Semra, Block- Kuchaikote, P.O. and P.S.- Kuchaikote, District - Gopalganj.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 12624 of 2022

1. Banshi Dhar Brajwasi Son of Late Nand Kishore Sahani, Resident of Village and P.O.-Raksa, P.s.-Karja, District-Muzaffarpur, presently working as Block Teacher in U.M.S. Raksa Purvi (East), Block-Marwan, District-Muzaffarpur.
2. Anand Kumar Jyoti Son of Sri Yogendra Ram, Resident of Madarpur Lalbagh, P.O.-Lalbagh, P.S. and District-Darbhanga, presently working as Panchayat Teacher in Govt. P.S. Majhiyam Bhitthi, Block-Darbhanga Sadar, District-Darbhanga.
3. Amrendra Kumar, son of Krishna Paswan, Resident of Kutubpur, Near Piple Tree, P.O.-Thathan Buzurg, P.S.-Hajipur, District-Vaishali, presently working as Block Teacher in Govt. M.S. Kutubpur, Block-Hajipur, District-Vaishali.
4. Vimal Kishor Ray, son of Ammk Ray, Resident of Village and P.O.-Senduari, P.S.-Hajipur, District-Vaishali, presently working as Block Teacher in M.S. Senduari, Block-Hajipur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
4. The District Education Officer, Muzaffarpur.
5. The District Education Officer, Darbhanga.
6. The District Education Officer, Vaishali.
7. The District Programme Officer (Establishment), Muzaffarpur.
8. The District Programme Officer (Establishment), Darbhanga.
9. The District Programme Officer (Establishment), Vaishali.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 13119 of 2022

Shatrughan Prasad Yadav S/o Hari Prasad @ Hari Prasad Yadav Resident of Village- Lalwamore, P.S.- Fullidumar, District- Banka (Bihar) 813207.

... .. Petitioner/s

Versus



1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. District Magistrate, Banka, Bihar.
4. The District Education Officer, Banka.
5. The District Programme Officer (Establishment), Banka, Bihar.
6. The Block Education Officer, Prakhand Katoriya, District- Banka.
7. The Panchayat Secretary-cum-Niyojan Authority, Dewari Gram Panchayat, Prahand Katoriya, District- Banka.
8. The Head Master, Nav Srijit, Primary School, Ratanpur, Dewari Panchayat, Prakhand, Katoriya, District- Banka.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 13227 of 2022

Gopal Yadav Son of Banavasi Yadav, Resident of Village- Khuthari, P.O.- Rajpur, P.S.- Belhar, District- Banka (Bihar) 813202.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. District Magistrate, Banka, Bihar.
4. The District Education Officer, Banka.
5. The District Programme Officer (Establishment), Bihar, Patna.
6. The Block Education Officer, Prakhand Belhar, District- Banka.
7. The Panchayat Secretary-cum- Niyojan Authority, Rajpur Gram Panchayat, Prakhand Belhar, District- Banka.
8. The Head Master, Nav Srijit, Primary School, Daulatpur, Rajpur Panchayat, Prakhand Belhar, District- Banka.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 13746 of 2022

Jyoti Kumari Wife of Suboth Prasad Singh, Resident of Village-Nawada Bazar, P.S.-Rajoun, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department, Bihar, Patna.



2. The Director, Primary Education, Bihar, Patna.
3. District Magistrate, Banka, Bihar.
4. The District Education Officer, Banka
5. The District Programme Officer (Establishment), Banka.
6. The Block Education Officer, Prakhand Rajoun, District-Banka.
7. The Panchayat Secretary-cum-Niyojan Authority, Rajawar Gram Panchayat, Prakhand Rajoun, District-Banka.
8. The Head Master, Nav Srijit Primary School, Islampur, Panchayat Rajawar, Prakhand Rajoun, District-Banka.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15337 of 2022

1. Sangeeta D/o Sri Ram Sewak, Resident of Village and P.O. - Koiladewa, P.S.- Phulwariya, District - Gopalganj.
2. Sarita Kumari, W/o Sri Upendra Prasad, Resident of Village and P.O. - Peuli, P.S.- Mirganj, District - Gopalganj.
3. Kumari Soni, Wife of Sri Jitendra Kumar, Resident of Village - Dhanwati, P.O. and P.S. - Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Gopalganj.
4. The Deputy Development Commissioner, Gopalganj.
5. The District Education Officer, Gopalganj.
6. The District Programme Officer (Establishment), Gopalganj.
7. The Secretary, Panchayat Teachers Employment Unit-cum-Panchayat Secretary, Gram Panchayat Raj, Koini, Block - Manjha, District - Gopalganj.
8. The Block Education Officer, Manjha, P.O. and P.S. - Manjha, District - Gopalganj.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16263 of 2022

Raj Kishor Ojha S/o- Late Sukhdev Ojha, Resident of Vill- Banauli, Post- Harri Dularpur, Dist- Sitamarhi, Bihar- 841311



... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, New Secretariat, Vikash Bhawan, Patna- 800015
2. The Director, Primary Education, Government of Bihar, New Secretariat, Vikash Bhawan, Patna- 800015
3. The District Collector Sitamarhi, Maryada Path, Dumra, Sitamarhi- 843301
4. The District Education Officer, Sitamarhi, District Education Office Dumra, Sitamarhi- 843301
5. The Block Education Officer, Sursand, Block Office Sursand, Dist-Sitamarhi- 843331
6. The Block Development Officer, Sursand, Block Office Sursand, Dist-Sitamarhi- 843331

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2964 of 2023

Nilam Kumari Daughter of Sri Achhelal Prasad, Resident of Village and P.O.- Pakri Dayal, P.S.-Pakri Dayal, Dist.-East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The District Education Officer, East Champaran at Motihari.
4. The District Programme Officer (Establishment), East Champaran at Motihari.
5. The Block Education Officer, Block-Pakri Dayal, P.S.-Pakri Dayal, District-East Champaran at Motihari.
6. The Mukhiya-cum-President, Panchayat Teachers Appointment Committee, Gram Panchayat Raj Tharbhitia, Block-Pakri Dayal, District-East Champaran at Motihari.
7. The Panchayat Secretary, Gram Panchayat Raj Tharbhitia, Block-Pakri Dayal, District-East Champaran at Motihari.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3543 of 2023



Rohit Parashar Son of Late Mahesh Kumar Mishra, Assistant Teacher New Primary School Harpur Harizan, Singhwara, Darbhanga, R/o Village-Basuara, P.O.-Araila, P.S.-Moro Hanumanagar, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department (Education Department), Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education Department, Bihar, Patna.
4. The District Officer-cum-District Magistrate, Darbhanga.
5. The District Education Officer, Darbhanga.
6. The District Programme Officer (Establishment), Darbhanga.
7. The Block Development Officer, Singhwara, Darbhanga.
8. The Block Education Officer, Singhwara, Darbhanga.
9. Panchayat Secretary-cum-Panchayat Niyojan Unit Gram Panchayat Raj, Harpur, Singhwara, Darbhanga.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11924 of 2023

Sarita Kumari Wife of Vinod Kumar, Resident of Village - Kukhariya, Police Station - Chandi, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Bihar, Patna.
3. The Director Primary Education Department, Govt. of Bihar, Patna.
4. The District Magistrate, Nalanda, District - Nalanda.
5. The District Education Officer, Nalanda, District - Nalanda.
6. The District Programme Officer, (Establishment) Nalanda, District - Nalanda.
7. The Block Education Officer, Chandi, Police Station - Chandi, District - Nalanda.
8. The Head Master, Primary School, Salehpur Block, Chandi, Police Station - Chandi, District - Nalanda.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4768 of 2024



=====

Kumari Pinki Rani W/o Krishna Shambhu Resident of Village- Mohni, P.S.-
Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Rohtas.
4. The District Education Officer, Rohtas.
5. The District Programme Officer, (Establishment), Rohtas.
6. The Block Education Officer, Dawath, District- Rohtas.
7. The Executive Officer, Nagar Panchayat, Kowath, District- Rohtas.
8. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 4859 of 2024

=====

Prabha Kumari Wife of Manoj Kumar Mandal, Resident of Village-
Tinghariya, Ward No. 3, Police Station - Kursela, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Katihar.
5. The District Programme Officer (Establishment), Katihar.
6. The Block Education Officer, Kursela, Katihar.
7. The Panchayat Secretary, Gram Panchayat Raj South Muradpur, Kursela, Katihar.
8. The Mukhiya, Gram Panchayat Raj South Muradpur, Kursela, Katihar.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 7957 of 2024

=====

1. Navin Kumar son of Krishnadev Korgiya, Resident of village- Farhi, Post-
Khaira Koshikapur, P.S.- Narpatganj, District- Araria.
2. Amol Kumar, @ Anmol Kumar Mandal son of Khokha Prasad Mandal,



Resident of village-Shankarpur, Post- Parwaqha, P.S.- Forbesganj, District- Araria.

3. Md. Dilshad Alam, son of Md. Shamshul Haque, Resident of village-High School Road, Ward No. 15, P.O. and P.S.- Forbesganj, District- Araria.
4. Meera Kumari, daughter of Jawahar Lal Keshri, Resident of village-Ramganj, P.O.- Kushmaha, P.S.- Jogbani, District- Araria.
5. Vinay Kumar Paswan, son of Vande Lal Paswan, Resident of village-Sultan Pokhar, Ward No. 2, P.O. and P.S. Forbesganj, District- Araria.
6. Afsana Khatoon, daughter of Md. Mustak Mian, Resident of village-Hasanpur, P.O.- Kushmoha, District- Araria.
7. Vijay Kumar, son of Late Kharg Narayan Mandal, Resident of village-Garha, P.O.and P.S.- Pipra, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Additional Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The District Education Officer, Araria.
6. The District Programme Officer (Estt.) Araria.
7. The Block Development Officer, Forbesganj, Araria.
8. The Block Education Officer, Forbesganj, Araria.
9. The Mukhiya, Gram Panchayat Raj Khushmaha, Block- Forbesganj, Araria.
10. The Panchayat Secretary, Gram Panchayat Raj, Khusmaha, Block- Forbesganj, Araria.
11. The Member, District Teacher's Appointment Appellate Authority, Araia.
12. The Headmaster, Primary School, Tikra Tola, Forbesganj, District- Araria.
13. The Headmaster, Primary School, Pokharia Tola, Forbesganj, District- Araria.
14. The Headmaster, Primary School, Kulania Jagir, Forbesganj, District- Araria.
15. The Headmaster, Primary School, Jhawa Tola, Forbesganj, District- Araria.
16. The Headmaster, Upgraded Middle School, Osari, Forbesganj, District- Araria.
17. The Lekhapal, BRC, Forbesganj, District- Araria.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12424 of 2024



=====

Sriram Yadav Son of Sri Dwarika Yadav, Resident of Village and P.O.-
Saraharwa, P.S.- Darauli, District- Siwan, Presently working as Block Teacher
in Upgraded Middle School, Lakshmanchak, Block - Darauli, Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar,
New Secretariat, Patna.
2. The District Education Officer, Siwan.
3. The District Programme Officer (Establishment), Siwan.
4. The Block Education Officer, Darauli, P.O. and P.S. - Darauli, District-
Siwan.
5. The Headmaster, Upgraded Middle School, Lakshmanchak, Block - Darauli,
District - Siwan.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 9306 of 2022)

For the Petitioner/s : Mr. Binodanand Mishra, Advocate
Mr. Mritunjay Kumar, Advocate

For the Respondent/s : Mrs. Shilpa Singh (Ga12)
Ms. Apurva Kumar, Advocate

For the BSEB : Ms. Surya Nilambari, Advocate

(In Civil Writ Jurisdiction Case No. 764 of 2022)

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mr. Subhash Chandra Mishra (Sc16)
Mr. Madhukar Mishra, AC to SC-16

(In Civil Writ Jurisdiction Case No. 4661 of 2022)

For the Petitioner/s : Mr. Satish Chandra Jha 3, Advocate

For the Respondent/s : Mr. Jitendra Kumar Roy 1 (Sc 13)

(In Civil Writ Jurisdiction Case No. 7351 of 2022)

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr. Prabhakar Jha (Gp 27)

(In Civil Writ Jurisdiction Case No. 10674 of 2022)

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

Mr. Alok Kumar, Advocate

Mr. Pranav Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 11461 of 2022)

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mr. Kameshwar Kumar (Gp17)

(In Civil Writ Jurisdiction Case No. 12229 of 2022)

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

(In Civil Writ Jurisdiction Case No. 12615 of 2022)

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mr. Madan Jeet Kumar (Gp 20)

Mr. Anil Kumar, AC to GP-20

(In Civil Writ Jurisdiction Case No. 12624 of 2022)

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mrs. Binita Singh (Sc 28)



(In Civil Writ Jurisdiction Case No. 13119 of 2022)
For the Petitioner/s : Mr. Munish Kumar, Advocate
For the Respondent/s : Mr. Prabhakar Jha (Gp 27)
(In Civil Writ Jurisdiction Case No. 13227 of 2022)
For the Petitioner/s : Mr. Munish Kumar, Advocate
For the Respondent/s : Mr. Madhaw Prasad Yadaw (Gp 23)
(In Civil Writ Jurisdiction Case No. 13746 of 2022)
For the Petitioner/s : Mr. Munish Kumar, Advocate
For the Respondent/s : Mr. Madan Jeet Kumar (Gp 20)
Mr. Anil Kumar, AC to GP-20
(In Civil Writ Jurisdiction Case No. 15337 of 2022)
For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc16)
Mr. Madhukar Mishra, AC to SC-16
(In Civil Writ Jurisdiction Case No. 16263 of 2022)
For the Petitioner/s : Mr. Kundan Kumar Ojha, Advocate
For the Respondent/s : Mr. Kameshwar Kumar (Gp17)
(In Civil Writ Jurisdiction Case No. 2964 of 2023)
For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Kameshwar Kumar (Gp 7)
(In Civil Writ Jurisdiction Case No. 3543 of 2023)
For the Petitioner/s : Mr. Siyaram Pandey, Advocate
For the Respondent/s : Mr. Madan Jeet Kumar (Gp 20)
(In Civil Writ Jurisdiction Case No. 11924 of 2023)
For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate
For the Respondent/s : Mr. Madhaw Prasad Yadaw (Gp 23)
(In Civil Writ Jurisdiction Case No. 4768 of 2024)
For the Petitioner/s : Mr. Krishna Ranjan, Advocate
For the Respondent/s : Mr. Additional Advocate General (13)
For the BSEB : Mr. Girish Kumar, Advocate
(In Civil Writ Jurisdiction Case No. 4859 of 2024)
For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Respondent/s : Mr. Standing Counsel 11
(In Civil Writ Jurisdiction Case No. 7957 of 2024)
For the Petitioner/s : Mr. Surendra Prasad Singh, Advocate
Md. Wakir Rahman, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA-8
(In Civil Writ Jurisdiction Case No. 12424 of 2024)
For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA-8

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 22-08-2024

Heard learned counsel for the parties.

2. The petitioners who are Panchayat Teachers/ Block Teachers/ Municipal Teachers/ Retired Panchayat Teachers have filed these writ petitions under the following circumstances:

Reg.: CWJC No. 9306 of 2022



2.1. The petitioner claiming to be a Nagar Shikshika (Municipal Teacher) at Middle School, Bakhri Baazar, Begusarai has filed this writ petition seeking a direction to the respondents to pay the salary of the petitioner from 19.05.2017.

Reg.: CWJC No. 764 of 2022

2.2. The petitioners, 2 in numbers, have challenged the order passed by the District Programme Officer (Establishment), Gopalganj vide Letter No. 2119 Gopalganj dated 25.11.2021, whereby the concerned Block Development Officer/ Block Education Officer/ Secretary of Gram Panchayat/ Gram Panchayat Raj Employment Unit of Gopalganj District have been directed to cancel the appointment of the petitioners as Panchayat Teachers.

Reg.: CWJC No. 7351 of 2022

2.3. The petitioners, 73 in numbers, have challenged clause-3(iv) of the order issued vide Memo No. 1900 dated 04.10.2019 by the Deputy Secretary, Education Department, Government of Bihar, Patna, whereby it has been provided that the fixation of pay-scale of untrained teachers into trained pay scale, shall not be above the Index-3 of level 2, 3 and 4.

Reg.: CWJC No. 10674 of 2022



2.4. The petitioner has challenged the Memo No.- 1439 dated 25.06.2022 issued by the Secretary Block Teacher Employment Unit-cum-Block Development Officer, Alinagar, District-Darbhanga by which appointment of the petitioner on the post of Block Teacher (Graduate Grade) in Social Science subject has been cancelled.

Reg.: CWJC No. 11461 of 2022

2.5. The petitioner has filed this writ petition seeking a direction to the respondent authorities for his selection as Block Teacher under Uchkagaon Block within the district of Gopalganj on the basis of merit in a preference to the respondent no.9.

Reg.: CWJC No. 12229 of 2022

2.6. The petitioner has challenged the order passed by the District Programme Officer (Establishment), Gopalganj vide Memo No. 2425 Gopalganj dated 27.06.2022, whereby the Panchayat Secretary, Gram Panchayat Raj, Rakba, under Bhore Block has been directed to cancel the selection of the petitioner as a Panchayat Teacher.

Reg.: CWJC No. 12615 of 2022

2.7. The petitioner has challenged the order passed by the District Programme Officer (Establishment), Gopalganj vide



Memo No. 2430 Gopalganj dated 27.06.2022, whereby the Panchayat Secretary, Gram Panchayat Raj, Semra, under Kuchaikote Block has been directed to cancel the selection of the petitioner as a Panchayat Teacher.

Reg.: CWJC No. 12624 of 2022

2.8. The petitioners, 4 in numbers, have filed this writ petition seeking a direction to the respondents to grant the Matric Trained Scale from their date of appointment as Panchayat Teacher.

Reg.: CWJC No. 13119 of 2022

2.9. The petitioner has filed this writ petition seeking a direction to the respondents to allow the petitioner to perform and continue the duty of Niyojit Panchayat Teacher at Nav Srijit Primary School, Dewasi Panchayat, Ratanpur, Prakhand Katoriya, District Banka in view of joining letter-cum-Niyojan letter Vide No. 08 dated 14.08.2010 issued by the respondent No. 6, the Secretary Gram Panchayat, Dewasi, Prakhand Katoriya, District Banka.

Reg.: CWJC No. 13227 of 2022

2.10. The petitioner has filed this writ petition seeking a direction to the respondents to allow the petitioner to perform and continue the duty of Niyojit Panchayat Teacher at Nav Srijit



Primary School, Daulatpur Panchayat, Rajpur, Prakhand Belhar, District Banka in view of joining letter-cum-Niyojan letter Vide No. 01 dated 14.08.2010 issued by the respondent No. 6, the Secretary Gram Panchayat, Rajpur, Prakhand Belhar, District Banka.

Reg.: CWJC No. 13746 of 2022

2.11. The petitioner has filed this writ petition seeking a direction to the respondents to allow the petitioner to perform and continue the duty of Niyojit Panchayat Teacher at Nav Srijit Primary School, Islampur Panchayat, Rajawar, Prakhand Rajoun, District Banka in view of joining letter-cum-Niyojan letter Vide No. 08 dated 15.05.2013 issued by the respondent No. 6, the Secretary Gram Panchayat, Rajawar, Prakhand Rajoun, District Banka.

Reg.: CWJC No. 15337 of 2022

2.12. The petitioners, 3 in numbers, have filed this writ petition seeking a direction to the respondents for appointment of the petitioners as Panchayat Teachers.

Reg.: CWJC No. 16263 of 2022

2.13. The petitioner who is a retired Panchayat Teacher has filed this writ petition seeking a direction to the respondents for payment of arrears of salary.



Reg.: CWJC No. 2964 of 2023

2.14. The petitioner has filed this writ petition seeking a direction to the respondents for payment of arrears of salary from 24.07.2013 to 01.07.2018. The petitioner, however, has not described herself as to in which post she is working except to state in paragraph no. 4 that there was an advertisement for the post of Panchayat Teacher by the Gram Panchayat Raj, Tharbhitia, Block – Pakdidayal in the district of East Champaran at Motihari in the year 2008. Learned counsel for the petitioner, however, has submitted that the petitioner is a Panchyat Teacher.

Reg.: CWJC No. 3543 of 2023

2.15. By filing this writ petition, the petitioner has challenged the letter No. 02 dated 24.01.2023 issued by the office of the Gram Panchayat, Harpur, Singhwara, Darbhanga as well as letter No. 49 dated 19.01.2023 as contained in Memo No. 146 dated 18.01.2023 issued by the office of the District Education Officer, Darbhanga (District Establishment Branch), whereby the service of the petitioner has been terminated on the ground that the petitioner was not TET qualified at the time of his appointment as Assistant Teacher in a Government Middle School.



The petitioner is stated to be appointed on compassionate ground as per the provisions of Bihar Panchayat Primary Teacher (Appointment and conditions of service) Rules 2012.

Reg.: CWJC No. 11924 of 2023

2.16. The petitioner who is a Panchayat Teacher at Primary School Salehpur, Gram Panchayat, Raj Salehpur, Chandi, Block Chandi, District Nalanda has filed this writ petition for payment of arrears of salary as well as the current salary.

Reg.: CWJC No. 4768 of 2024

2.17. The petitioner who is a Nagar Teacher has filed this writ petition for payment of salary from November, 2023.

Reg.: CWJC No. 4859 of 2024

2.18. By means of this writ petition the petitioner has challenged the Memo No. 2885 dated 27.12.2023 issued by the District Programme Officer (Establishment), Katihar whereby the Panchayat Niyojan Unit, Gram Panchayat Raj, South Muradpur Kursela, Katihar has been directed to terminate the service and recover salary of the petitioner from the post of Panchayat Teacher, Primary School, Gobrahi Diyara, Kuesala,



Katihar.

Reg.: CWJC No. 7957 of 2024

2.19. The petitioners, 7 in numbers have filed this writ petition seeking a direction to the respondents to pay the arrears of salary of the petitioners in terms of the letter No. 7/Salary 21/2020-21-845 dated 28.07.2022 issued by the Director of Primary Education.

Reg.: CWJC No. 12424 of 2024

2.20. The petitioner claiming to be appointed as Panchayat Teacher vide Memo No. 04 dated 28.02.2007 issued by the Panchayat Secretary, Gram Panchayat Teacher Employment Unit, Saraharwa, Block Darauli, District Siwan has filed this writ petition seeking a direction to the respondents for payment of salary from February, 2024 as well as the arrears of salary from January, 2022 to March, 2022.

3. At the outset learned counsel for the State has submitted that the petitioners have an alternative remedy under **the Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020** (hereinafter referred to as "Rules 2020") under which Rule they can approach the concerned District Appellate Authority for redressal of the grievances raised in these writ petitions. In that view of the



matter learned State Counsel submits that since the petitioners have alternative remedy before the District Appellate Authority under the Rules 2020, this Court should not entertain these writ petitions and relegate the matter back to the District Appellate Authorities.

4. On the other hand, leading the argument on behalf of the petitioners, Mr. Binodanand Mishra, learned counsel appearing in CWJC No. 9306 of 2022 has argued that the right to receive salary is a fundamental right as held by the Division Bench of this Court in CWJC case No. 6852 of 2021 Lilawati Mishra vs. The State of Bihar and ors. He, therefore, submits that these writ petitions filed under Article 226 of the Constitution of India would be maintainable notwithstanding the alternative remedy available to the petitioners under the Rules 2020 as the petitioners' fundamental rights have been violated. In support of his contention that when there is a violation of the fundamental right of the petitioners, the writ petition under Article 226 of the Constitution of India is maintainable, learned counsel for the petitioner has relied on three decisions of the Hon'ble Supreme Court in the case of (i) *Dwarka Nath vs. Income Tax Officer* reported in *AIR 1966 SC 81* (ii) *Whirlpool Corporation vs. Registrar of Trade Marks, Mumbai and Ors.*



reported in *AIR 1999 SC 22* (iii) *M/s. Godrej Sara Lee Ltd. vs. Excise and Taxation Officer-cum-Assessing Authority* reported in *AIR 2023 SC 781*.

5. Learned counsel for the petitioner has further argued that in a writ petition when parties have exchanged the pleadings/ affidavits and the matter had remained pending for long, in such a situation there must be a sincere effort to decide the matter on merits and not relegate the writ petitioner to the alternative remedy unless there are compelling reasons for doing so. In this regard reliance has been placed on a decision of the Hon'ble Supreme Court in the case of *State of U.P. vs. Ehsan* reported in *AIR 2023 SC 5142*.

6. Learned counsel has also argued that when the writ petition has been entertained at the admission stage and the parties have exchanged affidavits, it will not be appropriate to dismiss it on the ground of alternative remedy. Reliance in this regard has been placed on a decision of this Court in the case of *Tis Fab Limited vs. State of Bihar in CWJC No. 3519 of 1997* reported in *1998(e) PLJR-PT 1708074* and also in the case of *Narayan Mishra vs. Coal India ltd.* reported in *2017 LAB. I. C. 4659*.

7. Rival contentions advanced by the learned counsel for the contesting parties have received due consideration of the



Court.

8. The writ petitions have been listed under the heading 'For Admission'. In the counter affidavits filed by the respondents the entitlement of the petitioners to receive the salary claimed in the writ petitions have not been admitted by the respondents. In other words, the petitioners' right to receive salary is yet to be established by the petitioners.

9. It has not been disputed by the petitioners that the petitioners are governed by the Rules 2020.

10. Though existence of alternative remedy does not bar the jurisdiction of the High Court to issue writ, direction or order under Article 226 of the Constitution of India, but should the High Court entertain the writ petition filed under Article 226 of the Constitution of India, when there is an alternative remedy to approach the District Appellate Authority under the Rules 2020, this Court had the occasion to examine this issue in ***CWJC No. 10222 of 2022*** in the case of ***Rani Kumari vs. The State of Bihar and ors*** along with other series of connected writ petitions, wherein this Court vide an order dated 13.08.2024, in paragraph Nos. 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 has held as follows:-

"...6. Before dealing with the contention raised by the learned counsel



appearing in CWJC 12838 of 2023, the remedy provided under the Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020 for redressal of the grievances of the teachers appointed and working under the local bodies may be examined.

7. The title of the Rules 2020 itself suggests that it is a rule made to provide the dispute redressal mechanism for the State teaching institutions teachers and employees for which the Rule 2(iii) of the Rules 2020 seeks to constitute District Appellate Authority at the District level and State Appellate Authority at the State level.

8. Rule 2(xii) defines teachers as under:

(A) Teachers working under Panchayati Raj Institutions and Urban body Institutions in Govt./Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools as per rules notified by the Govt. of Bihar from time to time.

(B) The teachers working under the Managing Committee of 108 Elementary Schools aided by the State Govt.(Including



Minority Schools) in which education is being imparted upto standard 5th or 8th.

(C) Teachers working under the Managing Committee/Trust in Aided, permission for establishment, recognised Secondary and Senior Secondary Schools.

(D) Teachers of Private Schools.

9. The petitioners in these batch of writ petitions are either Panchayat Teachers/ Municipal Teachers/ Block Teachers, appointed and working under the local bodies. The petitioners, therefore, are teachers as defined under Rule 2(xii)(A) which says teacher means teachers working under Panchayati Raj Institutions and Urban body Institutions in Govt./Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools as per rules notified by the Govt. of Bihar from time to time.

10. Rule 13 of the Rules, 2020 reads as under:

13. Powers and Function of the District Appellate Authority.—



(A)(i) To resolve the disputes and complains pertaining to procedure of recruitment under Panchayati Raj Institutions and Urban body Institutions in Govt./Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools as per provisions/ rules notified by the Govt. of Bihar from time to time.

(ii) To resolve the disputes and complaints pertaining to recruitment of Headmaster/Teacher/Non-teaching staffs and promotion to the post of Headmaster by the Managing Committee of 108 Govt. Aided Elementary Schools (Including Minority Schools) in which the education is imparted upto 5th or 8th standard.

(iii) To resolve the disputes and complaints pertaining to process of recruitment and distribution of Grants-in-Aid with respect to Aided/ Permission for Establishment/Recognised



Secondary and Senior Secondary Schools and Aided Colleges.

(iv) To resolve the disputes between the Headmaster/Teacher/ Non-teaching staffs and the Managing Committee of Private Schools.

(v) To resolve such disputes pertaining to Headmasters/Teachers/ Non-teaching Staffs working under Panchayati Raj Institutions and Urban body Institutions in Govt./ Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools, who in case of being aggrieved by execution of the service condition, as prescribed, may prefer Appeal against the decision of the competent authority / committee.

(vi) To resolve the disputes of execution of service condition of Headmasters/ Teachers/Non-teaching staffs of Govt. aided 108 Elementary



Schools (Including Minority Schools) in which education is imparted upto standard 5th or 8th and in case of any appeal being preferred by the Headmaster/Teachers/Non-teaching staffs being aggrieved by the decision of the concerned Managing Committee.

(vii) To resolve the disputes pertaining to execution of service condition of Principal/Vice-Principal/ Assistant Principal/Headmaster/Teachers / Non-teaching staffs of Aided, Permission for Establishment, Recognised Secondary/ Senior Secondary Schools and Aided Colleges and in case of any appeal being preferred by the concerned Principal/ Vice-Principal/ Assistant Principal / Headmaster/ Teacher/ Non-teaching staffs being aggrieved by the decision of the concerned Managing Committee.

(viii) The presiding officer of the Authority after making necessary verification



and after hearing the parties shall pass the order to dispose of the disputes/ complaints.

(ix) The authority shall have jurisdiction to get the matter enquired into by any officer of the Education Department of the district or any administrative officer.

(B) The office of the Appellate Authority shall duly maintain all the records of the complaints/ Appeals.

(C) All the Complaints/ Appeals shall be filed before the District Appellate Authority within 30 days from the date of cause of action. The Appellate Authority will have jurisdiction to condone the delay in preferring the Complaints/ Appeals after expiry of 30 days on the basis of reasonable grounds.

(D) The District Appellate Authority shall have the same powers for enquiry of any matter or hearing which has been vested in the Civil Court under Civil Procedure Code, 1908. While adjudicating any



dispute the following powers shall be exercised:—

(i) To issue summons to ensure the presence of the persons and to compel them to produce evidence verbal or written through affidavit or to produce the documents/ record.

(ii) To search the record and to get the same inspected.

(iii) To tender evidence on Oath.

(iv) To issue summons to produce witnesses or record for inspection.

(E) The Appellate Authority shall ordinarily dispose of Complaint! Appeal within 90 days from the date of its receipt.

(F) The Authority shall exercise the functions and powers being entrusted by the Department from time to time.

11. Reading of the Rule 13 (A)(i) of the Rules, 2020 would go to show that the District Appellate Authority has the power to resolve the dispute and complains pertaining to procedure of recruitment under the



Panchayati Raj Institutions and Urban body Institutions in Govt./Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools as per rules notified by the Govt. of Bihar from time to time.

12. Under Rule 13(A)(v) of the Rules, 2020 the District Appellate Authority has the power to resolve disputes pertaining to, inter alia, teachers who are aggrieved by execution of the service condition by the Competent Authority/Committee.

13. A conjoint reading of Rule 13(A)(i) and 13(A)(v) of the Rules, 2020 would go to show that the District Appellate Authority has the power to adjudicate disputes pertaining to procedure of recruitment as well as the execution of the service condition by the Competent Authority/Committee of the Panchayati Raj Institutions and Urban body Institutions in Govt./Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools as per rules notified by the Govt. of Bihar from time to time.

14. The District Appellate Authority thus is found to have the power and jurisdiction to resolve the disputes inter alia of the teachers appointed and working under the local bodies with regard to the



procedure of the recruitment itself as well as the execution of the service condition which encompasses any condition attached to the service condition of such employees including grievances regarding pay, appointment/non-appointment, promotion, disciplinary action etc.

15. In view of the above, it is found that the grievances raised by the petitioners in these batch of writ petition can very well be taken care of by the concerned District Appellate Authority in exercise of the power under Rule 13 of the Rules 2020.

16. Thus, the petitioners are found to have a statutory alternative remedy before the concerned District Appellate Authority under Rules 2020.

17. In addition thereto it is significant to note Rule 13(D), 13(E), 16 and 14(C) of the Rules 2020 which reads as under:

13 (D) *The District Appellate Authority shall have the same powers for enquiry of any matter or hearing which has been vested in the Civil Court under Civil Procedure Code, 1908. While adjudicating any dispute the following powers shall be exercised:—*



(i) To issue summons to ensure the presence of the persons and to compel them to produce evidence verbal or written through affidavit or to produce the documents/ record.

(ii) To search the record and to get the same inspected.

(iii) To tender evidence on Oath.

(iv) To issue summons to produce witnesses or record for inspection.

13(E) The Appellate Authority shall ordinarily dispose of Complaint! Appeal within 90 days from the date of its receipt.

Rule 16:. Power to impose Punishment.-In case of non-compliance or 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.

Rule 14(C): *The Authority shall hear the appeal against the*



decision of District Appellate Authority.

18. Rule 13(D) provides that the District Appellate Authority shall have the same powers for enquiry of any matter or hearing which has been vested in the Civil Court under Civil Procedure Code, 1908. While adjudicating any dispute, the District Appellate Authority is empowered to exercise power to issue summons to ensure the presence of the persons and to compel them to produce evidence verbal or written through affidavit or to produce the documents /record; to search the record and to get the same inspected; to tender evidence on oath and to issue summons to produce witnesses or record for inspection.

19. Rule 13(E) mandates that the Appellate Authority shall ordinarily dispose of the complaints/appeal within 90 days from the date of its receipt.

20. Under Rule 16 the District Appellate Authority has the power to impose punishment in case of non compliance of the order and direction passed by it, such as the Appellate Authority is empowered to impose punishment against the concerned party after giving an adequate opportunity of hearing; may impose penalty upto Rs. 50,000/- upon the answerable party and it



has also the jurisdiction to make recommendation to the concerned department to initiate departmental proceeding 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.

21. Under Rule 14(C) the State Appellate Authority constituted at the State level has the power and jurisdiction, inter alia, to hear the appeal preferred against the decision of the District Appellate Authority.

22. Thus, from the conjoint reading of Rule 13(A)(i), 13(A)(v), 13(D), 13(E), 14(C) and 16 of the Rules 2020, I find that the petitioners herein who are teachers appointed and working under the local bodies have not only a statutory alternative remedy before the District Appellate Authority and thereafter to the State Appellate Authority for redressal of their grievances but they have the efficacious statutory alternative remedy available to them before the District Appellate Authority which Authority has been mandated to ordinarily dispose of the complaints/appeal within 90 days from the date of its receipt and in case of non compliance of the order or direction passed by it, to impose



punishment for such non compliance.

23. *With regard to the contention raised by the learned counsel appearing in CWJC No. 12838 of 2023 there is no dispute with the proposition of law laid down by the Hon'ble Supreme Court in the case of Popcorn Entertainment v. City Industrial Development Corpn., (supra) by relying on the earlier decision of the Hon'ble Supreme Court in the case of **Whirlpool Corpn. v. Registrar of Trade Marks**, reported in (1998) 8 SCC 1 that the writ petition under Article 226 of the Constitution of India will be maintainable notwithstanding the alternative remedy available, if the action of the Authority is without jurisdiction; is in violation of the principles of natural justice or is in violation of the fundamental rights granted under Part-III of the Constitution of India.*

24. *It needs to be reiterated that in a case of established violation of the fundamental rights, the writ petition under Article 226 would undoubtedly be maintainable. But it is not so in the instant case. The petitioners in these batch of writ petitions, have not approached this Court for enforcement of their established fundamental rights. The petitioners on the other hand have filed these writ petitions to establish*



their right to the salary for which they have laid their claim on.

25. The existence of alternative remedy though does not effect the jurisdiction of the Court to issue writ/direction/order under Article 226 of the Constitution of India but ordinarily that would be a good ground in refusing to exercise the discretion under Article 226 of the Constitution of India. The remedy under Article 226 of the Constitution of India being, in general, discretionary, the High Court may refuse to grant it where there exists an alternative remedy, equally efficient and adequate.

*26. The Hon'ble Supreme Court in the case of **CCE v. Dunlop India Ltd.**, reported in **(1985) 1 SCC 260** in paragraph 3 thereof it has been held as under:*

3. In Titaghur Paper Mills Co. Ltd. v. State of Orissa [(1983) 2 SCC 433 : 1983 SCC (Tax) 131 : 1983 Tax LR 2905 : (1983) 142 ITR 663 : (1983) 53 STC 315] A.P. Sen, E.S. Venkataramiah and R.B. Misra, JJ. held that where the statute itself provided the petitioners with an efficacious alternative remedy by way of an appeal to the Prescribed Authority, a second appeal to the tribunal and thereafter to have the case stated to the High Court, it was



not for the High Court to exercise its extraordinary jurisdiction under Article 226 of the Constitution ignoring as it were, the complete statutory machinery. That it has become necessary, even now, for us to repeat this admonition is indeed a matter of tragic concern to us. Article 226 is not meant to short-circuit or circumvent statutory procedures. It is only where statutory remedies are entirely ill-suited to meet the demands of extraordinary situations, as for instance where the very vires of the statute is in question or where private or public wrongs are so inextricably mixed up and the prevention of public injury and the vindication of public justice require it that recourse may be had to Article 226 of the Constitution. But then the Court must have good and sufficient reason to bypass the alternative remedy provided by statute. Surely matters involving the revenue where statutory remedies are available are not such matters. We can also take judicial notice of the fact that the vast majority of the petitions under Article 226 of the Constitution are filed solely for the purpose of obtaining interim orders and thereafter prolong the proceedings by one device or the other. The practice certainly needs to be strongly discouraged.



*27. In the case of **United Bank of India v. Satyawati Tondon**, reported in (2010) 8 SCC 110 the Hon'ble Supreme Court in paragraph 43, 44 and 45 has held as under:*

43. Unfortunately, the High Court overlooked the settled law that the High Court will ordinarily not entertain a petition under Article 226 of the Constitution if an effective remedy is available to the aggrieved person and that this rule applies with greater rigour in matters involving recovery of taxes, cess, fees, other types of public money and the dues of banks and other financial institutions. In our view, while dealing with the petitions involving challenge to the action taken for recovery of the public dues, etc. the High Court must keep in mind that the legislations enacted by Parliament and State Legislatures for recovery of such dues are a code unto themselves inasmuch as they not only contain comprehensive procedure for recovery of the dues but also envisage constitution of quasi-judicial bodies for redressal of the grievance of any aggrieved person. Therefore, in all such cases, the High Court must insist that before availing it is true that the rule of exhaustion of alternative remedy is



a rule of discretion and not one of compulsion, but it is difficult to fathom any reason why the High Court should entertain a petition filed under Article 226 of the Constitution and pass interim order ignoring the fact that the petitioner can avail effective alternative remedy by filing application, appeal, revision, etc. and the particular legislation contains a detailed mechanism for redressal of his grievance. remedy under Article 226 of the Constitution, a person must exhaust the remedies available under the relevant statute.

44. While expressing the aforesaid view, we are conscious that the powers conferred upon the High Court under Article 226 of the Constitution to issue to any person or authority, including in appropriate cases, any Government, directions, orders or writs including the five prerogative writs for the enforcement of any of the rights conferred by Part III or for any other purpose are very wide and there is no express limitation on exercise of that power but, at the same time, we cannot be oblivious of the rules of self-imposed restraint evolved by this Court, which every High Court is bound to keep in view while exercising power under Article 226 of the



Constitution.

45. It is true that the rule of exhaustion of alternative remedy is a rule of discretion and not one of compulsion, but it is difficult to fathom any reason why the High Court should entertain a petition filed under Article 226 of the Constitution and pass interim order ignoring the fact that the petitioner can avail effective alternative remedy by filing application, appeal, revision, etc. and the particular legislation contains a detailed mechanism for redressal of his grievance.

*28. In the case of **General Manager, Sri Siddeshwara Cooperative Bank Ltd. v. Iqbal**, reported in (2013) 10 SCC 83 the Hon'ble Supreme Court in paragraph 27 it has been held as under:*

27. No doubt an alternative remedy is not an absolute bar to the exercise of extraordinary jurisdiction under Article 226 but by now it is well settled that where a statute provides efficacious and adequate remedy, the High Court will do well in not entertaining a petition under Article 226. On misplaced considerations, statutory procedures cannot be allowed



to be circumvented.

*29. For the reasons and discussions made hereinabove, since the petitioners are found to have a statutory alternative and efficacious remedy under **the Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020**, I am not inclined to exercise the discretionary power vested under Article 226 of the Constitution of India. Accordingly these batch of writ petitions shall stand disposed of with liberty granted to the petitioners to approach the concerned district authority, if so advised..."*

11. This Court in the case of **Rani Kumari** (supra) on examination of various provisions of the Rules 2020 has found that the petitioners therein, who were teachers appointed and working under the local bodies have not only a statutory alternative remedy before the District Appellate Authority and thereafter to the State Appellate Authority for redressal of their grievances but they have the efficacious statutory alternative remedy available to them before the District Appellate Authority which Authority has been mandated to ordinarily dispose of the complaints/appeal within 90 days from the date of its receipt and in case of non compliance of the order or direction passed by it, to impose punishment for such non compliance.



12. This Court had further observed that the existence of alternative remedy though does not effect the jurisdiction of the Court to issue writ/direction/order under Article 226 of the Constitution of India but ordinarily that would be a good ground for refusing to exercise the discretion under Article 226 of the Constitution of India. The remedy under Article 226 of the Constitution of India being, in general, discretionary, the High Court may refuse to grant it where there exists an alternative remedy, equally efficient and adequate.

13. Accordingly, having found that the petitioners therein have a statutory alternative and efficacious remedy under **the Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020**, the discretionary power vested under Article 226 of the Constitution of India in the facts of that case was not exercised and the writ petitions were disposed of with a liberty granted to the petitioners to approach the concerned district authority, if so advised.

14. The petitioners in these batch of writ petitions are also similarly situated persons like that of the petitioners in the case of ***Rani Kumari*** (supra) and series of connected cases. In other words the petitioners in these batch of writ petitions like in the petitioners in the case of ***Rani Kumari*** (supra) and other connected writ petitions are either Panchayat Teacher/ Block Teachers/ Municipal Teachers.

15. As has been noted before, it may also be mentioned that



the writ petitions have been listed under the heading 'For Admission', which means these batch of writ petitions have not yet been entertained by this Court and the same are listed for Admission hearing.

16. Under the circumstances, since the petitioners in these batch of writ petitions are found to be similarly situated with the petitioners in the case of *Rani Kumari* (supra) and other connected writ petitions, who are found to have a statutory alternative and efficacious remedy under the **Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020**, I am not inclined to exercise the discretionary power vested under Article 226 of the Constitution of India. Accordingly these batch of writ petitions shall also stand disposed of with liberty granted to the petitioners to approach the concerned district authority, if so advised.

17. The writ petitions are disposed of in the terms above.

(Nani Tagia, J)

Nishant/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2024.
Transmission Date	NA

