

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15194 of 2024**

=====

Alok Kumar Sharma S/o Vidya Prasad Sharma R/o Village-Garhsisai, P.S.-  
Vidyapatinagar District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Education Department, Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Education Officer, Samastipur.
5. The District Programme Officer Establishment, Samastipur.
6. Block Development Officer Cum Executive Officer Block Niyojan Unit Vidyapatinagar, Samastipur.
7. Block Panchayati Raj Officer, Vidyapatinagar, Samastipur.
8. Block Education Officer, Vidyapatinagar, Samastipur.
9. Runam Kumari, the Head Mistress, Rajkiya Middle School, Garsisai, Circle and P.S.-Vidyapatinagar, District-Samastipur.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                           |
|----------------------|---|---------------------------|
| For the Petitioner/s | : | Mr.Manoj Kumar Manoj      |
| For the Respondent/s | : | Mr.Advocate General       |
| For the Respondent 9 | : | Mr. Bipin Kumar, Advocate |

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 2      07-10-2024      1. The petitioner has filed the present application for setting aside the order dated 24.04.2024 issued by the District Teacher Appellate Authority, Samastipur and further the letter bearing memo no. 59 dated 07.06.2024 issued by the respondent no. 6 whereby the petitioner has been transferred from the Government Middle School, Garhsisai to the elevated Middle School, Rahimpur Pyare of Maniyarpur Panchayat of Vidyapatinagar Block.



2. Learned counsel for the petitioner submits that pursuant to the interim order passed by District Appellate Authority, Samastipur on 24.04.2024 which is punitive in nature, the respondent no. 6 has transferred the petitioner to another school. The petitioner has joined the transferred school on 12.07.2024. He further submits that even though the order of transfer is punitive, a departmental proceeding has been directed to be initiated against the petitioner.

3. On the other hand, learned counsel for the respondent / State as well as the private respondent no. 9 submits that against the interim order passed by District Appellate Authority, Samastipur, the petitioner has filed a recall petition on 12.09.2024 in which the learned District Appellate Authority, Samsastipur has directed the respondent no. 9 to file reply and the matter is pending before the District Appellate Authority, Samastipur. The petitioner is seeking two parallel remedy, one before the District Appellate Authority, Samastipur and another by way of the present writ application, which is not permissible in law.

4. Having heard learned counsel for the parties and taking into consideration the fact that petitioner has filed recall application for recall of the interim order passed by the District



Appellate Authority, Samastipur, which is still pending, accordingly, the present writ application can not be entertained on the ground that the petitioner cannot seek two parallel remedy for the same relief at the same time. As such, the application stands dismissed.

(Anil Kumar Sinha, J)

praful/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

