

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14066 of 2024

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Seema Rani (Female), aged about 56 years, D/o Late Jaishankar Prasad, W/o Late Arvind Narayan, C/o Late Madan Prasad Verma, Parvaar Pokhar, Aam Gola Lane, P.O.- Ramna, District- Muzzafarpur, at present residing in Flat number- 302, Narayan Palace, Rajnath Path, Lane number- 08, near Gyan Niketan School, RPS More, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. State of Bihar through Director, Primary Education, Government of Bihar, New Secretariat, Patna-800015
2. District Education Officer, Vaishali at Hajipur.
3. District Program Officer (Est.), Vaishali at Hajipur.
4. Block Education Officer, Goraul, Vaishali.
5. Member Secretary, Block Recruitment Committee cum Block Development Officer, Goraul, Vaishali.
6. Headmaster R.M.V Ramdasapur, Block- Goraul, District- Vaishali.
7. Chairman, Block Recruitment Committee Cum Panchayat Pramukh, Block- Goraul, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sujeet Kumar Sinha, Advocate
For the State	:	Mr. Anil Kumar Singh, GP-26

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 17-09-2024

Heard learned counsel for the petitioner.

2. The petitioner has challenged the Memo No. 268, dated 06.02.2024, issued by Member Secretary Block Recruitment Unit-cum-Block Development Officer, Goraul (Annexure-1), whereby the petitioner's appointment as Block Teacher has been cancelled stating that the petitioner was absent from duty from 16.08.2010 to 19.12.2023.



3. Learned counsel for the petitioner has contended that the District Appellate Authority, Vaishali, vide order dated 28.12.2019, passed in Case No. GR-55/2018, filed by the petitioner, directed the respondent authorities to treat the petitioner's absence from duty from 18.08.2010 to 12.04.2018 as 'leave without pay' and accept the joining of the petitioner. The order of the District Appellate Authority, Vaishali was also upheld by the State Appellate Authority in an appeal preferred by the State vide Appeal (Case) No. Appeal/54/2021 vide order dated 28.03.2022 (Annexure-5). Thereafter, the petitioner's joining was accepted by the respondent authorities on 19.12.2023. Learned counsel for the petitioner contends that since the petitioner's absence from the duty from 18.08.2010 to 12.04.2018 has been directed by the District Appellate Authority to treat as 'leave without pay', the respondent authorities, vide the impugned Memo No. 268, dated 06.02.2024, issued by the Member Secretary Block Recruitment Unit-cum-Block Development Officer, Goraul, could not have proceeded again against the petitioner.

4. As per the petitioner's case, the period of



absence from duty, which has been directed to be treated as 'leave without pay' by the District Appellate Authority in the earlier order, is for the period 18.08.2010 – 12.04.2018, whereas, the present impugned order refers to the period from 16.08.2010 to 19.12.2023. Thus there is a difference in the period of absence from duty by the petitioner as mentioned in the present impugned order as well as the period for which it was adjudicated earlier by the District Appellate Authority.

5. Be that as it may, the petitioner is a Block Teacher and accordingly, the petitioner's service condition is governed by the Bihar Panchayat Elementary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Condition) Rules, 2020 and in terms of Rule 22, thereof, the petitioner will have to approach the concerned District Appellate Authority.

6. Since the petitioner is a Block Teacher and the present writ petition pertains to service condition of the petitioner as Block Teacher; having regard to the provisions of the Bihar Panchayat Elementary School Service (Appointment, Promotion, Transfer, Disciplinary



Proceeding and Service Condition) Rules, 2020 and the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 and also in view of the decision rendered by this Court in *C.W.J.C. No. 10222 of 2022* in the case of *Rani Kumari vs. State of Bihar & Ors.* along with series of connected writ petitions, this writ petition shall stand disposed off with liberty to the petitioner to approach the concerned District Appellate Authority for redressal of the grievances raised in the present writ petition.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.09.2024
Transmission Date	N/A

