

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15036 of 2023

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Shambhu Yadav Son of Late Bhuneshwar Yadav, resident of Village -Bhalua,
P.S.-Ariyari, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Education Officer, Sheikhpura.
4. The District Programme Officer (Establishment), Sheikhpura.
5. The Block Education Officer, Chewara, District-Sheikhpura.
6. The Panchayat Secretary-cum-Member Secretary, Gram Panchayat
Selection/Engagement Unit Lohan Block Cheweara, District-Sheikhpura.
7. The Inspector of Police of Vigilance 6 Sercular Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Anisur Rahman, Advocate
For the Respondent/s	:	Mr. Jitendra Kr. Roy 1 (Sc13)
For the Vigilance	:	Mr. Arvind Kumar, Advocate
		Mr. Paritosh Parimal, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-12-2024 Heard learned counsel for the parties.

2. The present application has been filed for setting
aside Memo No. 754 dated 06.05.2023 issued by the
Respondent No. 4 directing Respondent No. 6 to remove
petitioner from service from the post of Panchayat Teacher after
initiating a disciplinary proceeding against him.

3. At the outset, learned counsel for the State appears
and raises preliminary objection with regard to the
maintainability of this writ application on the ground that



petitioner has got alternative remedy before the District Appellate Authority under **Rule 13** of the **Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020**. He further submits that no reason has been assigned, as to why this writ application shall be heard by this Hon'ble High Court, even when alternative remedy to move before the District Appellate Authority is available to the petitioner.

4. Learned counsel for the petitioner is not in a position to dispute the contentions made on behalf of the State.

5. Considering the aforesaid facts and circumstances, this writ petition is disposed of with direction to petitioner to move before the concerned District Appellate Authority by filing appeal and the District Appellate Authority is directed to proceed in the matter and dispose of the same in accordance with law, as expeditiously as possible.

6. With the aforesaid observations and directions, this writ application is disposed of.

7. It goes without saying that if any question of limitation arises before the Appellate authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article



226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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