

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16593 of 2023

Arvind Kumar Sikriwal Son of Late Murli Manohar Singh Resident of
Village- Baraon Kala (Barawan Kalan), P.S.- Akorhi Gola, District- Rohtas,
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Deptt., Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director, Patna Division, Department of Education, Government of Bihar, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer, Patna.
6. Sri Suresh Kumar Das, Presently posted as Headmaster, Upgraded Middle School, Rasalpur, Block- Fatuha, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Singh, Advocate
For the State	:	Mr. Madhukar Mishra, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2024 Heard learned counsels for the parties.

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

- (i) *For issuance of appropriate writ preferably in the nature of certiorari for setting aside part of letter issued jointly vide memo no. 2922 dated 11.09.2023 (annexure-8) by the District Education officer, Patna alongwith District Programme Officer, Patna whereby and whereunder junior teacher of upgraded middle school, Rasalpur, Fatuha, Patna than the petitioner has been posted as Headmaster in place of petitioner violating the guidelines issued under the impugned letter.*
- (ii) *For issuance of writ of certiorari for quashing of letter issued vide memo No. 7942 dated 11.09.2023*



(Annexure-9) by the District Programme Officer, Patna whereby and whereunder the District Programme Officer declared petitioner junior to respondents no. 6 by wrong implication of Sub clause-4 of clause-5 of Bihar Nationalized Primary School Teacher Transfer, Disciplinary action and promotion rule 2018.

(iii) For issuance of writ of mandamus directing the respondent authorities to revise the posting order made vide letter dated 11.09.2023 on the post of Headmaster and make posting of petitioners on the post of Headmaster in upgraded middle School, Rasalpur, Fatuha, Patna where Respondent No. 6 is presently posted as Incharge Headmaster as senior teacher in the school concerned.

(iv) Further for grant of any other relief reliefs for which petitioner is found entitled in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that petitioner is a law abiding person and has obeyed the order of the department and joined as Headmaster, Mohiuddinpur, Fatuha.

4. On the other hand, learned counsel appearing on behalf of the State raises preliminary objection to the maintainability of this writ application and submits that petitioner has already filed appeal on 21.09.2023 as per rules before the Regional Deputy Director of Education, Patna, which is still pending for adjudication.

4. Learned counsel appearing on behalf of the petitioner is not in a position to dispute the above contentions.



5. In this regard, the Supreme Court, in the case of ***Satya Pal Anand versus State of Madhya Pradesh and Others*** reported in **2016 (10) SCC 767**, has observed as follows:-

“Pursuance of multiple remedy for same relief before different fora renders the petition non-maintainable.”

6. In the present case, the petitioner has already filed an appeal before the Regional Deputy Director of Education, Patna and the same is still pending for adjudication.

7. In that view of the aforesaid facts and circumstances of the case, this Court does not think it appropriate to interfere in the matter.

8. Accordingly, this writ application is disposed of with direction to the petitioner to pursue his appeal which has already been filed before the Regional Deputy Director of Education, Patna.

(Prabhat Kumar Singh, J)

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