

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16804 of 2023

1. Md. Talib Son of Late Md. Riyajul Haque, resident of Village and P.O. Bari Balia, P.s. Balia, District-Begusarai, presently working as Clerk in Nationalized T.P.C. High School, Naya Tola, Aagapur, Block-Mansoor Chak, District-Begusarai.
2. Md. Mehdi Hasan @ Mehdi Hasan son of Late Md. Muslim Ansari, resident of Village-Bhawanandpur, Ward No. 13 Muslim Tola, P.S. Birpur, District-Begusarai, presently working as Clerk in Nationalized High School, Tarbanna, Block-Saheb Kamal, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Bhagalpur.
5. The District Education Officer, Begusarai, District-Begusarai.
6. The District Programme Officer (Establishment) Begusarai, District-Begusarai.
7. The District Programme Officer (Secondary Education), Begusarai, District-Begusarai.
8. The Headmaster, Nationalized T.P.C. High Schol, Naya Tola, Aagapur, Block-Mansoor Chak, District-Begusarai.
9. The Headmaster, Nationalized High Schol, Tarbanna, Block-Saheb Kamal, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Pankaj Kumar (Sc12)
		Mr. Anuj Kumar, AC to SC 12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2024

Heard learned counsel for the parties.

2. The present application has been filed for directing
the respondents to count the previous service rendered by the
petitioners as Block Teacher for the period 26.05.2007 to



12.09.2019 and 29.06.2007 to 12.09.2019 respectively prior to their appointment as Clerk.

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 petitioners have 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 petitioners.

4. Learned counsel for the petitioners 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 petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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