

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1437 of 2022

Subhash Singh, Son of Ram Chandra Singh, resident of Fatehpur Kasturi,
Via-Rajala, Police Station-Kurhani, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Chairman, Bihar School Examination Board (Senior Secondary) Patna.
4. The Secretary, Bihar School Examination Board (Senior Secondary) Patna.
5. The Director (Academic) Bihar School Examination Board (Senior Secondary) Patna.
6. The Director, Education Department (Higher Secondary) Government of Bihar, Patna.
7. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
8. The District Education Officer, Muzaffarpur.
9. The Governing Body/Managing Committee, Bhup Narayan Singh Siya Niranjan Inter College, Chandrahatti, Kamtaul, Muzaffarpur through its Chairman.
10. The Principal-cum-Secretary, Governing Body/Managing Committee, Bhup Narayan Singh Siya Niranjan Inter College, Chandrahatti, Kamtaul, Muzaffarpur.
11. Dr. Ramesh Kumar, son of Late Kamla Prasad Singh, resident of Chandrahatti, Police Station-Kurhani, District-Muzaffarpur, the then Secretary of the Managing Committee of Bhup Narayan Singh Siya Niranjan Inter College, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27
For the B.S.E.B.	:	Mr. Sunil Kumar Mandal, Advocate
For the Resp. No. 10	:	Mr. Arun Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-01-2025 Heard learned counsel for the parties.

2. The present writ application is filed for the following
reliefs:



(i) For issuance of an appropriate writ/direction to the Governing Body/Managing Committee of the Bhup Narayan Singh Siya Niranjana Inter College, Chandrahatti, Kamtaul, Muzaffarpur, a Government aided Inter College (hereinafter college) to give the salary of the petitioner against the post of Lecturer from the amount of grant-in-aid received by the College from the State Government in the year 2019 and 2020 of Academic Session 2012-14 and 2013-15 as the petitioner has his statutory right to get his remuneration which is being received by the College as grant-in-aid, Public Money and corresponding duty of a Public Nature upon the Governing Body of the College to give the same to the petitioner.

(ii) For direction upon the Governing Body/Managing Committee of the College to treat the petitioner continuing in service as Lecturer of the College being allotted the work of Examiner of the copies after relieving him by the Principal of the College on 05.03.2018.



(iii) For holding that the petitioner was never been ousted from service since 23.09.2012 to 25.03.2018 as alleged by the Principal of the College as he was never been show caused or served any such paper; even President and Member of the Managing Committee of the College denied in written about any such meeting/decision (Annexure-19 and 20)

(iv) For direction to the Bihar School Examination Board (Senior Secondary), Patna to decide the issues with regard to the petitioner's salary from grant-in-aid after noticing/hearing all concern including the petitioner.

(v) For direction to the respondent no.2 to stop further grant-in-aid (Public Money) of Bhup Narayan Singh Siya Niranjana Inter College, Chandragatti, Kamtaul, Muzaffarpur (hereinafter College only) until an action is being taken in pursuance of the report of Regional Deputy Director of Education, Tirhut Division, Muzaffarpur dated 17.12.2012 (Annexure-2) reported on the direction of the Authorities of the Bihar School Examination



Board, Patna and the Education Department, Government of Bihar, Patna wherein he had clearly held that gross irregularities were committed by the Principal-cum-Secretary of this College.

(vi) For any other relief(s) for which the petitioner be found entitled to in the facts and circumstances of the case.

3. A counter affidavit has been filed on behalf of respondent no. 5 and in paragraph no. 5 of the said counter affidavit, it is *inter alia* stated that the college in question is a private aided college and the same is governed and administered by its registered Governing Body/Managing Committee and in case of any service dispute of the employees of such College of teaching and non-teaching employees of the College in question, the available remedy is to file appeal before the District Appellate Authority under the provisions of Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020, which was notified vide Memo no. 715 dated 25.08.2020 by the Education Department, Govt. of Bihar.

4. Considering the fact that the petitioner has moved before this Court without exhausting the alternative remedy available



to him, I direct the petitioner to file an appeal before the Appellate Authority within three weeks.

5. In such view of the matter, this writ application is disposed of with a liberty to the petitioner to file an appeal before the concerned authority and the concerned authority is directed to dispose of the appeal in accordance with law without being impeded by the issue of limitation.

(Anjani Kumar Sharan, J)

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