

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12817 of 2017

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Satyendra Narayan Singh son of Ram Ayodhya Singh resident of village Majhauli, P.S. Chandan Patti, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Vaishali.
4. The District Education Officer, Vaishali.
5. The District Superintendent of Education, Vaishali.
6. The Block Development Officer, Patepur, Vaishali.
7. The Block Education Extension Officer, Patepur, Vaishali.
8. The Mukhiya, Gram Panchayat Raj, Ali Nagar, Lebrhan, Block Patepur, District Vaishali.
9. The Panchayat Secretary, Gram Panchayat Raj, Ali Nagar, Lebrhan Block Patepur, District Vaishali
10. The Headmaster, Middle School, Ali Nagar, Block Patepur, District Vaishali.
11. Rakaiya Khatoon D/o Late Abu Raud resident of village Sheikh Toli, Ward No. 9, Dist Samastipur.
12. Sanjeet Kumar Pankaj son of Sukhdeo Singh Bakab Abdul Kadir, Dist Vaishali.
13. Anupama Kumari d/o Upendra Nath Sharma Village, P.O. Kabauli Ram, Dist Samastipur.
14. Shambhu Kumar son of Basudeo Ram Village Dih Sarsauna, Dist Samastipur.
15. Md. Ashraf Ali son of Late Abdul Sattar Village Rasulpur Kawa, Dist Vaishali.
16. Renu Kumari D/o Vinod Prasad Ram Village Chakab Abdul Islam, Dist Vaishali.
17. Kamlesh Pandit son of Bimal Pandit Village Telda, Dist Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nityanand, Adv
For the Respondent/s : Mr.S.C. Mishra-Sc16

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 04-12-2025

Heard learned counsel for the petitioner and learned



counsel for the respondent-State.

2. In the present writ application, the petitioner has prayed for the grant of following reliefs:

“(A) A writ in the nature of certiorari or any other writ/s, order/s for quashing the following: -

(i) For quashing the order dated 09.10.2007, contained in Memo No. 1292, passed by Block Development Officer, Patepur, Vaishali, by which the appointment of the petitioner as a Panchayat Teacher, in Government Middle School, Ali Nagar, of Ali Nagar Leorhan Panchayat, falling within appointment Patepur Block of Vaishali District, was cancelled and fresh was ordered to be done.

(ii) For quashing the order dated 15.03.2016, contained in Memo No. 04, passed in Appeal Case No. APA 35/2015, by Presiding Officer, District Appellate Authority, Vaishali, by which the appeal filed by the petitioner has been dismissed.

(B) A writ in the nature of mandamus or any other writ/s, order/s, directions for the followings:-

(i) To hold that the



appointment of the petitioner was legal and was done by a competent authorities against a sanctioned and vacant post.

(ii) To hold that cancellation order dated 09.10.2007, contained in Memo No. 1292, is illegal, improper and without jurisdiction.

(iii) To hold that the fresh appointment made in the light of order dated 09.10.2007, contained in Memo No. 1292, as well as, appointment of private respondents done in the light of the said order, is also illegal, improper and without jurisdiction.

(C) Any other relief/s for which the petitioner is entitled to.

3. After some argument was advanced by learned counsel for the petitioner, learned counsel appearing for the respondent-State objects to the maintainability of the present writ application on the ground that the petitioner has not availed the alternative remedy of approaching the State Appellate Authority (Education Department). He, therefore, strongly objects to entertaining this writ application.

4. Learned counsel for the petitioner submits that he is



prepared to file an appeal before the State Appellate Authority (Education Department) and prays that an appropriate direction be issued to the State Appellate Authority (Education Department) to dispose of the appeal filed by the petitioner on merit within a fixed time frame after giving an opportunity of hearing to the petitioner.

5. To the aforesaid prayer being made by learned counsel for the petitioner, learned counsel appearing for respondent-State does not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner and agreed by learned counsel for the respondent-State, this writ application is disposed of granting liberty to the petitioner to file an appeal before the State Appellate Authority (Education Department) within one month from today and if such an appeal is filed within the stipulated time then the State Appellate Authority (Education Department) is directed to decide the same on merit within a further period of one year from the date of filing of the appeal, after hearing all the parties concerned. Needless to emphasize that the final order which shall be passed by the State Appellate Authority (Education Department) should be a reasoned and speaking order.



7. With the aforesaid observation/direction and liberty granted, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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