

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4728 of 2020

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1. Priyanka Soni W/o Rambabu Kumar, Resident of Village-Sitarampur, P.S.-Maniyari, P.O.-Amrakh, District-Muzaffarpur.
 2. Soni Kumari, W/o Arvind Kumar, Resident of Village-Dwarikanathpur, P.S.-Karja, P.O.-Karja, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, District-Muzaffarpur.
6. The District Programme Officer, Establishment, District-Muzaffarpur.
7. The Block Development Officer, Block-Marwan, District-Muzaffarpur.
8. The Block Education Officer, Block-Marwan, District-Muzaffarpur.
9. The Pramukh, Block-Marwan, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Advocate.
For the Respondent/s : Mr. Ashutosh Ranjan Pandey (Aag15)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 28-01-2025 Heard Mr. Nalin Kumar, learned counsel appearing on behalf of the petitioners and Mr. Ashutosh Ranjan Pandey, learned AAG-15 for the State.

2. The petitioners in paragraph no. 1 of the present writ petition have sought, inter alia, following relief(s), which is reproduced hereinafter:-

“(i) For issuance of writ in appropriate nature for the quashing of the Letter No. 1900 dated 03.10.2019 issued under the signature of the Respondent no.7; whereby and whereunder both petitioners have been dismissed from their services with immediate effect; with allegation of their



illegal initial appointment the below age of 18 years calculated on 01-01-2005; on the post of Panchayat Shiksha Mitra;

(ii) For issuance of writ in appropriate nature for the direction upon the Respondent authorities to consider the age of both petitioners from the date of advertisement; on which the both petitioners was already completed 18 years of age in light of order dated 13.05.2009 passed in C.W.J.C. No. 2057 of 2009 in case of Sangita Kumari Vs. The State of Bihar & Others, by the Hon'ble Patna High Court.

(iii) For issuance of writ in appropriate nature for the stay of the operation of the aforementioned Letter No.1900 dated 03.10.2019 issued under the signature of the Respondent no.7.

(iv) For commanding the respondent authorities to reinstate the both petitioners on her previous post and place of posting with all consequential benefits and with full back wages;

(v) For issuance of writ in appropriate nature for direction upon respondent authorities to pay the due salary of the petitioners from June 2018 to date of dismissal from services, with statutory interest; which has been previously held without any fault of the petitioners;

(vi) For issuance of writ in appropriate nature for direction upon Respondent authorities to take punitive action against the responsible authority especially against respondent no.7 & 9;

(vii) Any other relief / reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case."

3. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are aggrieved by the order dated 03.10.2019 contained in Memo No. 1900 passed by the respondent no.7.

4. Petitioners have alternative and efficacious remedy of appeal before the State Appellate Authority against the impugned order where the petitioners can raise all the issues as raised in the present writ petition including that their case is squarely covered by the facts and observations made in



C.W.J.C. No. 2057 of 2009 (Sangita Kumari Vs. The State of Bihar & Ors.).

5. The State Appellate Authority is directed to condone the delay in respect of time taken by the petitioners in pursuing remedy before this Court and entertain the appeal filed by the petitioners expeditiously, so that the petitioners' grievance can be redressed at the earliest.

6. The writ petition stands disposed of with aforesaid liberty.

(Purnendu Singh, J)

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