

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5486 of 2025

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Ram Mohan Gupta Son of Ramesh Chandra Gupta, Resident of Village- Pachokhar, Pokhara, Zamania, P.O.- Pachokhar, P.S.- Dildarnagar, District- Ghazipur, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar at Patna.
2. The Secretary, Department of Education, Government of Bihar at Patna.
3. The Director, Secondary Education, Government of Bihar at Patna.
4. The Director, Primary Education, Government of Bihar, at Patna.
5. The District Magistrate, Aurangabad.
6. The District Education Officer, Aurangabad.
7. The District Programme Officer (Establishment), Aurangabad.
8. The Blockd Education Officer, Rafiganj at Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Mohan Singh
For the Respondent/s : Mr.Standing Counsel (16)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-04-2025 1. Heard learned counsel for the parties concerned.
2. The petitioner has approached this court against the order dated 07.10.2024 (Annexure-P/6) issued by Block Education Officer, Rafiganj at Aurangabad (Respondent No. 8) whereby and whereunder the Headmaster, Middle School, Lohra has been directed to ensure that teaching work is not taken from the petitioner with immediate effect as the petitioner does not have 60 % marks in C.TET and is a resident of Uttar Pradesh. The petitioner has further prayed for quashing the letter bearing no. 615



dt. 15.07.2024 (Annexure-P/4) issued by the respondent no. 8 whereby and whereunder the petitioner has been show-caused to give explanation within 24 hours of receiving of the letter as to why not the employment of the petitioner be cancelled and action be initiated for immediate suspension of salary and one time recovery of the amount taken under the head of salary. The petitioner has also prayed for quashing of the letter bearing no. 8864 dated 24.12.2024 (Annexure-P/8) issued by the District Programme Officer at Aurangabad (Respondent No. 7) by which the petitioner has been show caused to submit his explanation within three days from the receipt of letter with regard to the petitioner being appointed as Block teacher despite being the resident of Uttar Pradesh in view of clause (i) of serial no. 10 of Bihar Government, Education Department Notification contained in Memo No. 709 dated 21.08.2020 failing which letter will be sent to the concerned employment unit for necessary action.

3. Learned counsel for the State submits that the matter related to appointment and other service condition of primary teacher in Panchayat / Block under Rule 18 of the 2012 Rule is appealable before the District Teachers Appellate Authority which is functioning in this district of Aurangabad. The District



Teachers Appellate Authority has been constituted under the Rules for hearing the grievances of the teachers. The petitioner has directly approached this Court without availing the remedy before the District Teachers Appellate Authority. Accordingly submission is that the petitioner may be relegated before the District Teachers Appellate Authority, Aurangabad for redressal of his grievance.

4. In view of the aforesaid submissions, the present writ application is disposed with liberty to the petitioner to file an appeal before the District Teachers Appellate Authority, Aurangabad for redressal of his grievances within a period of one month and if such an appeal is filed along with condonation of delay petition within the stipulated time, the District Teachers Appellate Authority, Aurangabad shall decide the same in accordance with law expeditiously.

(Anil Kumar Sinha, J)

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