

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5579 of 2025

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Nitesh Kumar Thakur S/o Late Krishna Thakur R/o Dekha Mahua Tola P.S.
Motihari Muffasil Dist East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department Govt. of Bihar Patna.
2. The Director Primary Education, Education Department, Govt. of Bihar Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Education Officer East Champaran at Motihari.
5. The District Programme Officer (Establishment) E. Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No. 2, Advocate
For the Respondent/s : Mr. AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-05-2025 1. Heard learned counsel for the petitioner and
learned AC to GP-2 for the State.

2. Learned counsel appearing on behalf of the State submits that petitioner had earlier approached this Court seeking similar relief by filing C.W.J.C. No. 6969 of 2018 which was disposed of by an order dated 07.05.2018 passed by a learned Coordinate Bench of this Court.

3. Learned counsel for the State submits that petitioner was permitted to file a representation seeking redressal of his grievance in terms of the judgment of the Hon'ble Supreme Court reported in (2017)5 SCC 387 (Mukesh Kumar Vs. State of Bihar & Ors.). It is further submitted that



petitioner in compliance of the order dated 07.05.2018 in C.W.J.C. No. 6969 of 2018 filed a representation before the authority concerned which came to be rejected by an order dated 01.03.2025. It is next submitted that the order dated 01.03.2025 has been annexed as Annexure-R/1 in the counter affidavit filed on behalf of the State in the instant writ application.

4. The counter affidavit is not on record but from perusal of the counter affidavit shown by the learned State Counsel, it manifests that the order dated 01.03.2025 has been passed. Learned State Counsel submits that if petitioner is aggrieved by the order dated 01.03.2025 passed by the District Education Officer in that event the petitioner should assail the said order. It is submitted that in the nature of prayer made in the instant writ application, the writ application thus has become infructuous.

5. Learned counsel appearing on behalf of the petitioner is not in a position to rebut the submissions made by the learned counsel appearing on behalf of the State but submits that the correct citation of (2017)5 SCC 387 (Mukesh Kumar Vs. State of Bihar & Ors.) is (2017)5 SCC 383 (Mukesh & Anr. vs. State of Bihar & Ors.) and not (2017)5 SCC 387.

6. The Court is in complete agreement with the



submissions made by the learned State Counsel, as such, finds no merit in the writ application.

7. The writ application is thus dismissed.

8. The office is directed to trace the counter affidavit filed on behalf of the State on 06.05.2025 and tag the same with the records of the instant writ application.

(Satyavrat Verma, J)

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