

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8771 of 2017

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Rekha Kumari Wife of Pranav Kumar, Resident of Village- Pithouri, Police Station- Baniyapur, District- Saran at Chapra, then Block Teacher in Urdu Upgraded Middle School, Suggi Miyan Ka Tola, Harpur, Block- Baniyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
5. The Regional Dy. Director Education Saran, Division, Saran at Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer Establishment, Saran at Chapra.
8. The Prakhanda Pramukh-cum-Chairman, Baniyapur, Block Employment Unit, Baniyapur, Saran at Chapra.
9. The Block Development Officer-cum-Secretary, Block Employment Unit, Baniyapur, Saran at Chapra.
10. The Block Education Officer- Cum-Member, Baniyapur Block Employment Unit, Baniyapur, Saran at Chapra
11. The Block Education Officer-02-cum-Member, Baniyapur Block Employment Unit, Baniyapur, Saran at Chapra
12. The Headmaster, Urdu Upgraded Middle School, Suggi Miyan Ka Tola, Harpur, Block- Baniyapur, District

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Binod Singh
For the State	:	Mr. Ram Vinay Pd. Singh, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-09-2025

1. Heard learned counsel for the parties concerned.

2. The petitioner has filed the present writ application



for quashing the memo no. 268, dated 15.04.2017, issued by the Executive Officer-cum-Block Development Officer, Baniyapur, Saran, whereby, the petitioner has been terminated from the post of Block Teacher on the ground that the petitioner was having qualification in Social Science, but she was appointed by the Employment Unit in Hindi subject.

3. Learned counsel for the State submits that the petitioner, without availing the remedy before the District Appellate Authority, has directly approached this Court by way of present writ application.

4. In reply, learned counsel for the petitioner submits that some candidates of the same district came before this Court in CWJC No. 8387 of 2017, which was disposed by the order, dated 08.05.2018, passed by a Co-ordinate Bench of this Court, wherein, the impugned order of the Block Teachers Employment Unit, Baniapur, Saran, passed in its meeting dated 15.04.2017, was quashed.

5. I have heard learned counsel for the parties and have gone through the materials available on records.

6. It appears that the petitioner was appointed by the Employment Unit in different subject for which the petitioner was not having qualification and as per own case of the



petitioner, the petitioner was having qualification of Social Science, but she was appointed as teacher in Hindi subject.

7. The order passed in the writ application, bearing CWJC No. 8387 of 2017, relied upon and argued by the petitioner that the termination letter of other teachers of the same district was interfered by a Co-ordinate Bench of this Court, however, from perusal of the order, dated 08.05.2018, it appears that the writ petition was filed after challenging the impugned order, dated 15.04.2017, before the State Appellate Authority in Appeal No. 42 of 2017.

8. Admittedly, in the present case, the petitioner has approached this Court without availing the remedy before District Appellate Authority as well as State Appellate Authority.

9. Accordingly, this writ application is disposed with liberty to the petitioner to file an appeal before the concerned District Appellate Authority.

10. It is made clear that if an appeal is filed within one month from today, with condonation of delay petition, the District Appellate Authority shall consider the same and shall dispose the appeal in accordance with law, within a reasonable time frame preferably within a period of six months.



11. With the aforesaid observations and directions,
this writ application is disposed.

(Anil Kumar Sinha, J)

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