

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14902 of 2017

=====

Md. Farooque Son of Md. Shamsul Haque Resident of Village - Baski Kita,
Police Station - Belbadda, District - Godda, Jharkhand at present resident
of Jangalia Road, Kali Mandir, Ward No. 18, Police Station - Gopalganj,
District - Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director Higher Education, Education Department, Government of Bihar, Patna.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary Higher Education, Bihar School Examination Board, Patna.
5. The Deputy Secretary Work Establishment, Bihar School Examination Board, Patna.
6. The District Magistrate, Gopalganj.
7. The District Education Officer, Gopalganj.
8. The Sub Divisional Officer-cum-Chairman, Ad-hoc Committee, Urdu College, Gopalganj.
9. The Principal, Urdu College, Gopalganj.
10. The Secretary, Urdu College, Gopalganj namely Adbul Kalam Professor, Z.A. Islamia College, Siwan.
11. The Chairman, Managing Committee, Urdu College, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	: Mr. Javed Aslam, Adv.
For the BSEB	: Mr. P.K. Shahi, Sr. Adv.
	: Mr. Gyan Shankar, Adv.
For the Respondent/s	: Mr. Ashutosh Ranjan Pandey, AAG-15
	: Mr. Priyadarshi Matri Sharan, AC to AAG-15

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 20-11-2025 Heard learned counsel for the petitioner; learned

counsel appearing for the Bihar School Examination Board

(BSEB) and learned counsel appearing for the respondent-

State.



2. The petitioner, in the writ application, has prayed for grant of following reliefs;

“A. A writ in the nature of mandamus or any other appropriate writ/writs, order/orders, direction commanding the respondent for the followings;-

i) To pay the salary/Honorarium of the petitioner for the period 2009-10 to till the date from the aid granted by the State Government to the College works done by the petitioner as a peon in Urdu College, Gopalganj falling within Gopalganj Police Station of Gopalganj District.

ii) To pay up to date panel interest upon all the dues/arrear of the petitioner.

iii) To direct the respondents to comply the order/direction/resolution of the State Government contained in Resolution vide Memo No. 1644 dated 4.11.2013 by which the Committee of the College was order to distribute the amount of the Government aid amongst the Teaching and non-teaching employee.

iv) To any other relief/reliefs for which the petitioner is found entitled to.”

3. Learned counsel appearing for the Bihar School Examination Board as well as the respondent-State pointed out that this writ application is not maintainable in view of the alternative remedy available to the petitioner of preferring an appeal before the District Appellate Authority in terms of Rule 13(VII) of the Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020 (for brevity ‘Rules 2020’). They, therefore, submitted that the present writ application may



be held as not maintainable and the petitioner may be relegated to avail the statutory remedy available under the aforesaid Rules 2020.

4. Learned counsel for the petitioner prays for leave to file an appropriate appeal before the District Appellate Authority, also prays that an appropriate direction may be given to District Appellate Authority to decide the appeal of the petitioner on merit after giving an opportunity of hearing to the petitioner as well as other parties concern.

5. Considering the limited nature of prayer being made by the learned counsel for the petitioner, this writ application is disposed of, granting liberty to the petitioner to file an appeal before the District Appellate Authority in terms of Rules, 2020. If such an appeal is filed within a period of one month from the date of passing of this order, the same shall be entertained by the District Appellate Authority.

6. Any delay in preferring the appeal shall be considered by the District Appellate Authority in accordance with law. The appellate authority shall take notice of the period of pendency of the writ application while taking a decision on the issue of condonation of delay in preferring



the appeal. If the District Appellate Authority condones the delay and decide to dispose of the appeal of the petitioner on merit, the same shall be done within a period of eight months from the date of filing of the appeal after giving an opportunity of hearing to the petitioner as well as other parties concern.

7. Needless to emphasize that the final order, which shall be passed by the District Appellate Authority, shall be a reasoned and speaking order.

8. With the aforesaid observation, direction and the liberty granted to the petitioner, the present writ application is disposed of.

9. All pending interlocutory applications, if any, also stand disposed of.

(Alok Kumar Sinha, J)

brajesh/-

U			
---	--	--	--

