

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13018 of 2025**

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Raju Yadav Son of Suresh Yadav, Resident of Village- Khiridih, P.O. -  
Bharpurwa, P.S.- Bijaipur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar,  
New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District, Education Officer, Gopalganj.
4. The District Programme Officer (Establishment), Gopalganj.
5. The Block Development Officer, Kateya, P.O. and P.S. - Kateya, District-  
Gopalganj.
6. The Headmaster, Upgraded Middle School, Jaipur (Makhtab), Block and  
P.S. - Kateya, District- Gopalganj.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bipin Bihari Singh  
For the Respondent/s : Government Pleader (22)

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**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

2      19-08-2025                      Heard learned counsel for the petitioner and  
learned GP-22 for the State.

2. The petitioner has moved before this Court for a  
direction to the respondents for reinstatement and consequential  
benefits in view of the order passed by District Appellate  
Authority, Gopalganj, vide order dated 11.02.2025 in Appeal  
No.127 of 2024 (Raju Yadav Vs. District Education Officer,  
Gopalganj & Ors.), which attains its finality in absence of  
challenge of order of statutory Authority before appropriate  
forum or Court of Law within period prescribed and for other



necessary relief(s) on the basis of facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the selection process was initiated in the year 2019-20 for selection of Block Teacher and after completing the due process and considering the eligibility and suitability of the petitioner against the respective post, letter of appointment vide Memo No.03 dated 23.02.2022 was issued by the Secretary, Block Teacher Employment Unit, Katya within the District of Gopalganj and upon appointment letter having been issued, petitioner started working and his works and performances were appreciated by all concern including officials. He further submitted that the District Programme Officer (Establishment), Gopalganj, who has no authority under law issued Letter No.2345 dated 02.08.2024 addressed to Block Development Officer, Katya directing to dispense with the service of the petitioner by 10.08.2024 in view of the order passed by the District Education Officer and recover the paid amount against respective post without following any procedures as provided under the principles of natural justice. It is the case of the petitioner that he was not issued any show cause notice and opportunity for defending *bonafide* claim was not afforded and



even the principles of natural justice, which provides that no person should be terminated without providing proper opportunity of hearing has grossly been violated.

4. Learned counsel for the petitioner further contended that after having suffered the order of termination, the petitioner appeared before the District Appellate Authority, Gopalganj by filing Appeal No.127 of 2024, assailing the validity and correctness of the order dated 02.08.2024 and seeking relief to set aside the said order as contained in Memo No.2345. From perusal of the order passed by the District Appellate Authority, Gopalganj, it is clear that notices were issued to the District Programme Officer (Establishment), Gopalganj for submitting their response to the challenge made by the petitioner and District Appellate Authority, Gopalganj after hearing the parties passed the order, which would go to show that the termination of the petitioner was set aside on the ground that the petitioner was not granted opportunity to defend his case as he was terminated without adopting legal procedures as provided under the Bihar Panchayat Elementary Teacher (Employment and Service Condition) Rule, 2012. The impugned termination which has been passed was set aside taking into account the settled legal position and further the



circulars issued by the Education Department, and accordingly the authorities were directed to reinstate the petitioner back in the service with full back wages. The order so passed by the District Appellate Authority, Gopalganj is appended by the petitioner which is at Annexure-P/3.

5. He further submitted that the petitioner is said to have represented before the District Education Officer, Gopalganj, District Programme Officer (Establishment), Gopalganj, and Block Education Officer-cum-Secretary, Block Teachers Employment Committee, Katya, Gopalganj on 17.03.2025, 18.03.2025 and 14.05.2025, for compliance of the directions issued by the District Appellate Authority, Gopalganj. He further submitted that despite the representation having been made by the petitioner, the authorities did not bother to communicate any reason with regard to non-compliance of the order passed by the District Appellate Authority, Gopalganj and even nothing plausible was communicated to the petitioner for not complying the order of the District Appellate Authority owing to the reason that they have either preferred Appeal before the State appellate Authority, if any.

6. Taking into account that the order passed by the District Appellate Authority, Gopalganj, has attained finality and



the authorities are bound to comply with the same. In such view of matter, the respondent no.3 and 4 are directed to ensure the compliance of the order passed by the District Appellate Authority, Gopalganj within a period of two weeks from today.

7. It is expected from the authorities that once the forum of appeal is provided under legislation and said authorities under the legislation passes an order, the same must be respected by the authorities concerned and the manner in which the authorities are dealing with the order passed by the District Appellate Authority is a very serious matter, which needs to be taken note of by the higher officials of the Education Department.

8. Accordingly, this matter may be communicated to the Additional Chief Secretary, Education Department, Government of Bihar for taking appropriate action against District Education Officer, Gopalganj and issuing necessary orders in this regard. It is further directed that the District Programme Officer (Establishment), Gopalganj be called upon to explain by the Departmental Head, as to why the order of the District Appellate Authority, Gopalganj has not been complied and appropriate proceeding be also drawn for keeping the house in order besides awarding appropriate compensation for causing



unnecessary harassment to the petitioner by awarding appropriate compensation for unwarranted litigation, which shall be quantified by the said authorities. The said amount shall be recovered from the delinquents by instituting departmental proceedings against them.

9. With the aforesaid observations and directions, this writ application stands disposed of.

**(Ajit Kumar, J)**

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