

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21066 of 2021

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Kanchan Kumari Wife of Raj Kumar Jha Resident of Village - Antaur, P.O. -
Antaur, P.S. - Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. The District Education Officer, Darbhanga.
6. The District Programme Officer (Establishment), Darbhanga.
7. The Block Education Officer, Bahadurpur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Alok Kumar, Advocate Mr. Pranav Kumar, Advocate
For the Respondent/s	:	Mr.Amit Bhushan, AC to GP 17

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 16-06-2025 Heard Mr. Alok Kumar along with Mr. Pranav

Kumar, learned counsels appearing on behalf of the petitioner;

and Mr. Amit Bhushan, learned AC to GP 17 for the State.

2. Petitioner has *inter alia* prayed for following reliefs

in the paragraphs No.1 of the writ petition:- .

"(i) For issuance of a writ of certiorari for quashing of the Order bearing memo No. 2515 dated 04.10.2021 by which the respondent no.5, the District Education Officer, Darbhanga has decided not to accept the joining of petitioner and has refused to take works from the petitioner till any order is received from the Directorate of Primary Education, Bihar, Patna, whereas the District Teachers Employment Appellate Authority, Darbhanga (which is a statutory authority constituted under "Bihar Panchayat Primary Teachers (Appointment and Service Conditions) (Amendment) Rule, 2009)", vide order dated



27.07.2019 passed in Appeal Case No.03/2016 has directed the employment unit to issue appointment letter in favour of petitioner and to accept her joining within 30 days and in compliance thereof the employment unit has already issued appointment letter in favour of petitioner but due to impugned order passed by the District Education Officer, Darbhanga the joining of petitioner is not being accepted, and as such the impugned order passed by the District Education Officer, Darbhanga is in teeth and defiance of the order passed by the statutory authority.

(ii) For issuance of a writ of Mandamus directing the respondents to accept the joining of petitioner who has been appointed in compliance of order dated 27.07.2019 passed in Appeal Case No.03/2016 by District Teachers Employment Appellate Authority, Darbhanga and to pay the month to month salary and other consequential reliefs.

(iii) For issuance of any other writ/writs, order/orders, direction/directions which the Hon'ble Court may deem fit and proper."

3. In view of information contained in paragraph no.24 of the counter affidavit that the State has preferred appeal before the State Appellate Authority for setting aside the order dated 27.07.2019 passed in case No.03/2016, learned counsel appearing on behalf of petitioner seeks to withdraw the present writ petition with a liberty to pursue the remedy before the State Appellate Authority.

4. The State Appellate Authority should try to adjudicate the matter as early as possible considering the fact that the action of the District Education Officer, Darbhanga is in question in the present writ petition and same appears to be not proper. The petitioner should not suffer for any action on part of the State in preferring appeal before the State Appellate



Authority.

5. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

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