

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2675 of 2018

Ashok Kumar Baitha Son of Sri Motilal Baitha, Resident of Village-Khairatia,
P.O. Balthari, P.S. Kuchaikote, District Gpalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer, Gopalganj.
6. The Block Development Officer, Kuchaikote, District Gopalganj.
7. The Block Education Officer, Kuchaikote, District Gopalganj.
8. The Mukhiya, Gram Panchayat Raj Bhoptapur, Anchal Kuchaikote, District Gopalganj.
9. The Panchayat Secretary, Gram Panchayat Raj, Bhoptapur, Anchal Kuchaikote, District Gopalganj.
10. The Secretary, Selection Committee, Gram Panchayat Raj Bhoptapur, Anchal Kuchaikote, District Gopal
11. Sanjay Ram Son of Late Sheo Datt Ram, Resident of Village-Khairatia, P.O. Balthari, P.S. Kuchaikote, District Gpalganj. at Present Posted as Panchayat Teacher, Primary School Barnaiya Bisa, Gram Panchayat raj Bhoptapur, Anchal Kuchikote, District Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Prasad, Adv.
For the Respondent/s	:	Mr. Madhaw Prasad Yadav, GP-23 Mr. Arvind Kumar, AC to GP-23
For the Vigilance	:	Mr. Anil Singh, Adv.
For Respondent No.11	:	Mr. Rajendra Narain, Sr. Adv. Mr. Satyeshwar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

16 17-12-2025 Heard learned counsel for the petitioner, learned Senior Counsel appearing for respondent no.11, learned counsel for Vigilance Department and learned counsel for respondents-State.

2. In the present writ application the petitioner has



prayed for the grant of following reliefs:

“(i) To issue an appropriate writ/writs in the nature of writ of mandamus commanding the respondents to call for Aam Sabha for fresh selection of the teachers in Gram Panchayat Raj Bhoptapur, Anchal Kuchaikote, District Gopalganj in the light of Judgment of the Appellate Authority, Gopalganj and Vigilance Department, Bihar, Patna and prepared fresh selection list of the candidates and appoint the petitioner on the post of Panchayat Teacher in place of private Respondent No. 11 in Government Primary School, Barnaiya Bisa, Gram Panchayat Raj Bhoptapur on the reserved post of Scheduled Caste because he is better candidate for appointment and has got higher marks.

(ii) To issue an appropriate writ/writs in the nature of writ of mandamus directing/commanding the Vigilance Department to conclude the enquiry as soon as possible and submitted the same before the Education Department, Government of Bihar.

(iii) To pass such other order/orders, direction/direction as your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. In short the case of the petitioner is that he is



seeking compliance/execution of order dated 13.05.2017/16.05.2017 passed in Appeal Case No.97 of 2011 (filed by the petitioner before District Teachers Appellate Authority) read with order dated 06.02.2017 passed in Appeal Case No.108/2012, 106/2012 and 110/2012 by the District Teachers Appellate Authority.

4. Learned Senior Counsel appearing for respondent no.11 and other respondent parties have raised a preliminary objection with regard to maintainability of the present writ application on the ground that there is specific provision (Rule-15) under the Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2015, for compliance of the order passed by the District Teachers Appellate Authority and therefore, the petitioner ought to have sought his remedy under the said rule instead of filing this writ application for seeking compliance/execution of the order passed by the District Teachers Appellate Authority. In short the objection is that petitioner has an alternative remedy and he should have first availed the same prior to approaching this Court in writ jurisdiction.

5. On being confronted with the above query/objection raised by the respondents, learned counsel



appearing for the petitioner is unable to give any satisfactory answer and in fact the learned counsel for the petitioner accepts that there is a provision (Rule-15) under which the petitioner can seek compliance of the order passed by the District Teachers Appellate Authority. He, therefore, prays that the present writ application may be disposed of directing the petitioner to seek compliance of the order passed by the District Teachers Appellate Authority by invoking Rule-15 of Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2015.

6. Considering the submissions made by learned counsel for the petitioner this writ application is disposed of granting liberty to the petitioner to approach the District Teachers Appellate Authority, Gopalganj for seeking compliance/execution of order dated 13.05.2017/16.05.2017 passed in Appeal Case No.97 of 2011 read with order dated 06.02.2017 passed in Appeal Case No.108/2012, 106/2012 and 110/2012. The necessary application for execution/compliance shall be filed by the petitioner within one month from the date of passing of this order. If such an application is filed, the District Teachers Appellate Authority, Gopalganj will undertake the exercise strictly in accordance with law.



7. With the aforesaid observation, direction and liberty granted, the present writ application is disposed of. Pending I.As, if any will be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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