

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.758 of 2024**

Ashutosh Kumar Panday, Son of Ram Ayodhya Panday, Resident of  
Bhathawa Roop, P.O.- Siswa, P.S.-Kuchaykot, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Chairperson, the State Appellate Authority, Bihar, Patna through its Administrative Member.
3. The Director Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Saran at Chapra.
5. The District Education Officer, Gopalganj.
6. The District Programme Officer (Establishment), Gopalganj.
7. The Block Panchayati Raj Officer, Phulwariya, District- Gopalganj.
8. The Block Development Officer, Phulwariya, District- Gopalganj.
9. The Block Education Officer, Phulwariya, District- Gopalganj.
10. Rajan Kumar Dubey @ Rajan Duby, Son of Birendra Dubey, Resident of Village- Gahi, P.O.- Sewatiya, P.S.- Kateya, District- Gopalganj.

... .. Respondent/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Arvind Kumar Sinha, Advocate |
|                      |   | Mr. K.R. Chandra, Advocate       |
| For the State        | : | Mr. Government Advocate (5)      |
| For the Resp. No.10  | : | Mr. Vyas Kumar Mishra, Advocate  |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 14-10-2025**

Heard the parties.

2. The challenge in the present writ petition is made to the order dated 22.11.2023, passed in O.A. No. 203 of 2022 by the State Appellate Authority, Bihar, Patna whereby a direction has been given to the Block Employment Unit to cancel the employment of private respondent to the post of



Block Teacher and to take all necessary steps for filling up the vacancy created due to removal of private respondent, from eligible candidates, including the petitioner, within a period of two months. The challenge is also made to Memo No. 2696 dated 18.07.2022, issued from the office of respondent no.5.

3. Learned Advocate for the petitioner while assailing the impugned order has submitted that in no circumstance the Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2023 would be applicable in the case of the petitioner, as the case of the petitioner shall govern with the Bihar Elementary Teachers (Employment and Service Conditions) Rules, 2012. It is the submission of the petitioner that the direction to carry out the fresh selection process is wholly illegal and unsustainable. For redressal of such grievance, the petitioner has also filed a detailed representation, the copy of which is placed on record, as Annexure-P/13 to the writ petition.

4. Learned Advocate for the State submits that he is not in a position to apprise this Court as to whether the fresh procedure has been followed in pursuant to the order of the State Appellate Authority, Bihar, Patna.

5. Having considered the submissions advanced and



accepting the request of the petitioner for disposal of his representation, pending before the District Programme Officer (Establishment), Gopalganj (Annexure-13) raising all his grievance, as noted hereinabove, the present writ petition stands disposed of with a direction to the Programme Officer (Establishment), Gopalganj to take appropriate decision in the matter preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

6. The writ petition stands disposed of.

**(Harish Kumar, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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