

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20625 of 2025

-
1. Madhuri Kumari Wife Sri Rajendra Paswan, Resident of Village- Baishpura, P.O. and P.S.- Kargahar, District- Rohtas.
 2. Sanjay Singh, Son of Sri Ramayan Singh, Resident of Village and P.O.- Ghordiha, P.S.- Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The District Education Officer, Rohtas.
3. The District Programme Officer (Establishment), Rohtas.
4. The Block Development Officer, Kargahar, P.O. and P.S.- Kargahar, District- Rohtas.
5. The Block Panchayati Raj Officer, Kargahar, P.O. and P.S.- Kargahar, District- Rohtas.
6. The Block Education Officer, Kargahar, P.O. and P.S.- Kargahar, District- Rohtas.
7. The Executive Officer-cum-Secretary, Block Teacher Employment Unit, Kargahar, P.O. and P.S.- Kargahar, District- Rohtas.
8. The Member Secretary-cum-Panchayat Secretary, Panchayat Teacher Employment Unit, Bhokhari, Block- Kargahar, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Respondent/s : Mr.Addl. Advocate General 03

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioners and learned
counsel appearing for the respondent-State.

2. The petitioner in the present writ application has
prayed for grant of following relief :-

*“1. That, this writ petition is for setting
aside the order in Memo No. 07 dated 20.07.2022
issued by the Member Secretary-cum-Panchayat
Secretary, Panchayat Teacher Employment Unit,*



Bhokhari and order-dated 06.08.2022 passed by the Executive Officer-cum-Secretary, Block Teacher Employment Unit, Kargahar respectively within the district of Rohtas dispensing with their services on dictate of superior authorities, which is nullity in view of the judgment of the Apex Court in the case of Purtabpore Co. Ltd. Vs. Cane Commissioner Of Bihar & Ors., reported in AIR 1970 SC 1896, without following required process, authority and basic requirement, which is mandatory, basic and an elementary law as well as further prayer for reinstatement of their services with back wages in terms of law settled by the Court of Law dealing moreover same and similar issues/ claims and for other necessary relief/ reliefs on the basis of facts and circumstances of the case as stated, enumerated and discussed hereinafter.

3. At the outset, learned counsel appearing for the respondent-State objects to the maintainability of the present writ application on the ground that the petitioner has statutory alternative remedy before District Teacher Appellate Authority, Kargahar, Distt. Rohtas, Sasaram and without availing the same he has directly filed the writ application, therefore, writ application should not be entertained and the petitioner should be relegated to availing the statutory alternative remedy.

4. To the aforesaid objection raised by learned counsel appearing for the respondent-State, learned counsel appearing for the petitioners acknowledges the fact that the petitioner has statutory alternative remedy before District Teacher Appellate



Authority Kargahar, Rohtas, Sasaram. He further submits that he is willing to file an appropriate appeal before the District Teacher Appellate Authority and further prays that if such an appeal is filed, an appropriate direction be issued to the District Teacher Appellate Authority Kargahar, Rohtas, Sasaram that the appeal be decided on merit within fixed time frame.

5. To the aforesaid submission made by learned counsel for the petitioners, learned counsel appearing for the respondent-State does not have any objection.

6. Considering the submissions made by the parties hereinabove, this writ application is disposed of granting liberty to the petitioner to file an appropriate appeal before District Teacher Appellate Authority, Kargahar, Rohtas at Sasaram within one month from the date of passing of this order.

7. If such an appeal is filed, the same shall not be rejected or dismissed on the ground of limitation and in fact the said appeal should be decided on merit after giving an opportunity of hearing to the petitioner and other concerned authorities. It is expected that the District Teacher Appellate Authority Kargahar, Rohtas, Sasaram shall decide the appeal within a period of one year from the date of filing of the appeal.

8. Needless to emphasize that the final order which



shall be passed by the District Teacher Appellate Authority Kargahar, Rohtas, Sasaram should be reasoned and speaking order.

9. With the aforesaid direction, direction and liberty granted, this writ application is dismissed of.

10. All pending, I.A.s., if any, will automatically stand disposed of.

(Alok Kumar Sinha, J)

sanjeev/-

U			
---	--	--	--

