

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5355 of 2026

Abhishek Kumar S/o- Late Hari Prasad, R/o- At and P.O.- Pupri, P.S.- Pupri,
District- Sitamarhi, at present working as Prakhand Teacher at Middle School
Narayanpur, Block Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education Muzaffarpur Division,
Muzaffarpur.
4. The District Magistrate, District- Sitamarhi.
5. The District Education Officer, Sitamarhi.
6. The District Programme Officer (Estt.), Sitamarhi.
7. The Block Development Officer, Block- Pupri, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sita Ram Prasad, Adv.
For the Respondent/s	:	Mr. Sita Ram Yadav, GP-16
		Mr. Rakesh Kumar Shrivastava, AC to GP-16

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 21-04-2026 Learned counsel for the petitioner and learned counsel
for the respondent-State are present.

2. The petitioner has prayed for the grant of following
reliefs:

“(i) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Education Department Bihar, Patna to grant the similar relief passed in the LPA. No.1472/2015 dated 18.04.2018 passed by this Hon'ble Court whereby and whereunder direction has been



given to the respondents to grant/absorb regular post and regular pay scale to the Niyojit Teacher appointed on compassionate 01.07.2006.

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the State Government in its Education Department to take steps towards considering the cases of the present petitioner and absorb as regular teacher on regular pay scale w.e.f. the date of his recommendation made by the Competent Compassionate Appointment Committee, also pay all the consequential and monitoring benefits for which petitioner was/is entitle.

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent No.6, District Programme Officer (Estt), Sitamarhi to dispose the petitioner's representation dated 09.10.2025 in light of LPA No. 1472/2015 dated 08.04.2018.

And for any other appropriate relief(s) as per the facts and circumstances of the case.”

3. It is pointed out by learned counsel appearing for respondent-State that for seeking the same relief the petitioner had earlier approached this Court vide CWJC No.13652 of 2023 and the said writ application was disposed of on 02.09.2024 granting liberty to the petitioner to approach the District Appellate Authority, Sitamarhi. The said order dated 02.09.2024



passed in CWJC No.13652 of 2023 has been brought on record by way of Annexure-P/7.

4. It is further informed to this Court that in terms of the liberty granted by this Court in CWJC No.13652 of 2023 the petitioner has not availed the remedy and till date had not approached the District Appellate Authority, Sitamarhi. Instead thereof, the petitioner has filed the present writ application, which is ex facie not maintainable.

5. After being confronted with the above situation, learned counsel for the petitioner reluctantly agrees to withdraw the present writ application.

6. As prayed for, this writ application is dismissed as withdrawn.

(Alok Kumar Sinha, J)

Prakash Narayan

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