

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5674 of 2022

=====

Shyama Kant Giri, S/o Raghunath Giri, Resident of Village - Baudha, Suganv,
P.S. - Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, the Scheduled Caste and Scheduled Tribe Welfare Department, Govt. of Bihar, Patna.
2. The Secretary the Scheduled Caste and Scheduled Tribe Welfare Department, Govt. of Bihar, Patna.
3. The Director, The Scheduled Caste and Scheduled Tribe Welfare Department, Govt. of Bihar, Patna.
4. The Deputy Director, Welfare, Tirhut Division, Muzaffarpur.
5. The Collector - Cum - District Magistrate, East Champaran at Motihari.
6. The District Welfare Officer, East Champaran at Motihari.
7. The Headmaster, Government Ambedkar Residential High School, Sugaon, Block - Sugauli, District - East Champaran.
8. The Special Secretary, the Scheduled Caste and Scheduled Tribe Welfare Department, Govt. of Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr. S. K. Mandal, SC-3
	:	Mr. Bipin Kumar, AC to SC-3

=====

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

10 18-03-2026

Heard the parties.

2. The present writ petition has been filed for the
following reliefs:-

*A. For issuance of an appropriate writ/s
order/s, direction for the followings:-*

*I. To quash the order dated 23.02.2022
passed by the respondent no. 3
rejecting the prayer of the petitioner
to allow him to perform his duties as
English teacher at Government*



Ambedkar Residential High School, Sugaon, Block- Sugauli, District-East Champaran and to regularize his services as this order is absolutely a non speaking order and no rhyme and reason has been assigned for rejection of the aforesaid prayer of the petitioner (Annexure-11).

II. To treat the annexure 11 to this application to be nullity and non-est in the eye of law.

III. To give a direction to the respondents to allow the petitioner to resume his teaching assignments at the school in question and to consider his case for regularization in accordance with law.

B. For any other relief/s to which the petitioner is found entitled to.

3. At the outset, the learned counsel appearing on behalf of the State-respondents submits that the petitioner has got an alternative remedy to file an appeal before the Secretary of the Department challenging the order passed by the Director, The Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar, Patna vide Letter No. 656 dated 23.02.2022.

4. In view of the statements made by the learned counsel for the State-respondents and in view of the recent



pronouncement of the Hon'ble Supreme Court of India in ***Civil Appeal No. 6719 of 2012, Rikhab Chand Jain vs Union Of India & Ors.***, wherein the Hon'ble Supreme Court of India in paragraph no.15 has held as follows;

15. In our considered opinion, the appellant having had a remedy before the High Court in a separate jurisdiction which was equally efficacious, he indulged in the (mis) adventure of invoking its writ jurisdiction which was rightly not entertained.

5. The present writ petition is disposed of with liberty to the petitioner to approach before the Competent Authority in accordance with law.

(Ritesh Kumar, J)

AjayMishra/-

U			
---	--	--	--

