

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.905 of 2026

Arpana Upadhyay Daughter of Subhash Chandra Upadhyay, Resident of B-34/4 9 P.A.C., Kanth Road, P.O.- Moradabad H.O., P.S.- Kanth, District-Moradabad, Uttar Pradesh- 244001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Department of Education, Government of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Patna.
5. The Secretary, Bihar Public Service Commission, Patna.
6. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, Patna.
7. The District Magistrate, Saharsa, Bihar.
8. The District Education Officer, Saharsa, Bihar.
9. The District Program Officer, Saharsa, Bihar.
10. The Block Education Officer, Patarghat, Saharsa, Bihar.
11. The Principal, Utkramit Mauni Uchh Madhyamik School, Kahra, Patarghat, Saharsa, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kaushal Kumar Jha, Sr. Adv Mr. Vikas Ratan Bharti, Adv Mr. Siddharth Aditya, Adv
For the State	:	Mr. Amit Bhushan, AC to GP 17
For the BPSC	:	Mr. Sanjay Prasad, Adv Mr. Nishant Kumar Jha, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 22-01-2026 Heard learned senior counsel for the petitioner and

learned counsel for the respondent-State.

2. With the consent of both the parties, this writ application is being disposed of at this stage itself.

3. In the present writ application, the petitioner has prayed for the grant of following reliefs:



“(i) To issue an appropriate writ/order/direction in the nature of certiorari for quashing the Termination Order issued vide Letter No. 221 dated 26.06.2025, passed by the Principal, Utkramit Mauni Uchh Madhymik Vidyalaya, Kahra, Saharsa, Bihar (as contained in Annexure-5).

(ii) To issue an appropriate writ/order/direction in the nature of mandamus commanding the respondent authorities to reinstate the petitioner on the post of School Teacher in Utkramit Mauni Uchh Madhymik Vidyalaya, Kahra, Saharsa, Bihar.

(iii) To issue an appropriate writ/order/direction in the nature of mandamus commanding the Respondent No. 7 to consider and decide the representation dated 01.11.2025 within a time-bound period as may be directed by this Hon'ble Court (as contained in Annexure-9).

(iv) To issue an appropriate writ/order/direction in the nature of mandamus commanding the respondent authorities to adhere to and give effect to the order dated



27.09.2025 passed by the District Public Grievance Redressal Officer, Sharsa and reinstate the petitioner on the post of School Teacher (as contained in Annexure-8).

(v) To issue any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

4. While advancing argument, learned senior counsel for the petitioner submits that although in the present writ application, the petitioner has challenged the termination order issued vide letter no. 221 dated 26.06.2025 said to have been passed by the Principal, Utkramit Mauni Uchh Madhymik Vidyalaya, Kahra, Saharsa, Bihar but the said termination order, as per learned senior counsel appearing for the petitioner, is no longer in legal existence for the reason that, as per the petitioner, the said termination order was challenged by the petitioner before the District Public Grievance Redressal Officer, Saharsa and the same was registered as Complaint Case No. 7110130062513710 dated 30.06.2025. He further submits that by letter no. 1795 dated 09.07.2025, the District Programme Officer (Establishment), Saharsa had asked the Principal of the concerned school to submit clarification regarding the termination of the petitioner from the post of TRE-03 school



teacher.

5. Learned senior counsel further submits that vide order dated 27.09.2025 passed by the District Public Grievance Redressal Officer, Saharsa, it was held that the petitioner was qualified and joined the post as per the guidelines mentioned in the Advertisement No. 224/2023 and, therefore, the termination of the petitioner was not in accordance with law and further, the District Education Officer, Saharsa (respondent no.8) was directed to reinstate the petitioner, which has not been done till now.

6. At this stage, learned senior counsel appearing for the petitioner submits that in view of the fact that the termination order has not been found to be in accordance with law by the District Public Grievance Redressal Officer, Saharsa and direction has been given to the District Education Officer, Saharsa to reinstate the petitioner, which as per the petitioner, has not been done till now, therefore, the petitioner, may be permitted to withdraw the present writ application with liberty to approach the Additional Chief Secretary, Department of Education, Government of Bihar, Patna (respondent no.2) to seek implementation of the order dated 27.09.2025 passed by the District Public Grievance Redressal Officer, Saharsa which



has been brought on record by way of Annexure-P/8.

7. *Per contra*, learned counsel for the respondent-State submits that this writ application is wholly misconceived and even the submission made by learned senior counsel for the petitioner does not want consideration for the reason that as against the termination order, the petitioner ought to have approached the District Education Officer, Saharsa for redressal of his grievance but instead of doing that the petitioner wrongly and illegally approached the District Public Grievance Redressal Officer, Saharsa, who had no authority in law to either set aside the termination order or make any comment with regard to the legality of the termination order. Learned counsel for the respondent-State further submits that in such view of the matter, the order passed by the District Public Grievance Redressal Officer, Saharsa dated 27.09.2025 is an illegal order and amounts to nullity in the eye of law.

8. Without commenting on the legality or illegality of the order dated 27.09.2025 passed by the District Public Grievance Redressal Officer, Saharsa, this writ application is permitted to be withdrawn by the petitioner for filing representation before the Additional Chief Secretary, Department of Education, Government of Bihar, Patna for



seeking the relief as mentioned above and if such a representation is filed within one month from the date of passing of this order, the Additional Chief Secretary, Department of Education, Government of Bihar, Patna shall dispose of the same after taking due consideration to the objection raised by learned counsel appearing for the respondent-State. While disposing of the representation of the petitioner, the petitioner shall be given an opportunity of hearing. The entire exercise must be completed by the Additional Chief Secretary, Department of Education, Government of Bihar, Patna within three months from the date of filing of the representation. Needless to emphasize that the final order which shall be passed by the Additional Chief Secretary, Department of Education, Government of Bihar, Patna should be a reasoned and speaking order.

9. With the aforesaid observation/direction, this writ application is disposed of as withdrawn with liberty as aforesaid. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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