



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7112 of 2025

Sunil Kumar Jaysawal S/o Late Prahalad Prasad Jaysawal, Mohalla-Sabni
Mandi Road, Ward No. -21, P.S.-Raxaul, Distt-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The District Education Officer, Sitamarhi.
3. The District Programme Officer (Establishment), Sitamarhi.
4. The Bihar School Examination Board, Budh Marg, Patna through its Secretary.
5. The Chairman, Bihar School Examination Board, Budh Marg, Patna.
6. The Secretary, Bihar School Examination Board, Budh Marg, Patna.
7. The Director (Academic), Bihar School Examination Board, Budh Marg, Patna.
8. Pandit Deen Dayal Upadhyay Memorial College, Bairgania, Distt-Sitamarhi through its chairman Ramdeo Prasad Gadia, S/o Nand Lal Gadia, Resident of Mohalla-Baudhi Mata Mandir Road, Ward No.-12, P.S.-Bairgania, Distt-Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Shahnawaz Ali
For the BSEB		Mr. P.K.Shahi, Sr. Advocate
		Mr. Kumar Shanu
For the State	:	Dr. Md. Raisul Haque, SC 10

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 28-04-2026 Heard learned counsel for the petitioner, learned
counsel appearing for the BSEB and learned counsel for the
respondent-State.

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

*(i) A writ, order and direction in the nature of
certiorari to quash the order vide letter no.*





05/22 date 11.01.2022 issued by the Respondent no 8 whereby and where under the petitioner is dismissed from service from the post as Principle cum Secretary o PDDUM College, Bairania Sitamarhi, (College code-32022), be issued.

(ii) A writ, order and direction in the nature of mandamus directing and commanding the respondent no. 8 to reinstate the petitioner in service with retrospective effect with all admissible allowances, be issued.

(iii) A writ, order and direction in the nature of mandamus directing and commanding the respondent no 8 to comply with the order dated 29/2023 02/21 19.12.2023 pass in complaint case no 29/2023 passed by District Appellate Authority Sitamarhi wherein it is specifically ordered that letter issued by Respondent no 8 vide its letter no 02/21 dated 01.10,2021 and letter no 05/22 dated 11.01.2022 regarding suspension and dismissal is quashed /cancelled and further order to reinstate the petitioner in service with retrospective effect with all admissible allowances with effect from 01.10.2021, be issued.

(iv) A writ, order and direction in the nature of mandamus directing and commanding the respondents to initiate the contempt proceeding against Respondent no 8 in disobedient case no 06/2024 and to stay the memo no 83 dated





25.03.2025 where by one Navin Kumar Mishra is alleged to be appointed as Principal cum Secretary and allowed him to received the amount of grant in aid as per the order dated 25.03.2025 passed in contempt case no 06/2024 passed by District Appellate Authority, Satimarhi, be issued.”

3. The case of the petitioner is that, vide Order No.05/2022 dated 11.01.2022 (Annexure-P/7), issued by respondent no.8, the petitioner was dismissed from service from the post of Principal-cum-Secretary of PDDUM College, Bairgania, Satimarhi. Aggrieved by the said order of dismissal, the petitioner preferred Complaint Case No. 29/2023 before the District Teacher Appellate Authority, Sitamarhi.

4. Learned counsel for the petitioner submits that the Complaint Case No 29/2023 was decided in favour of the petitioner, vide order dated 19.12.2023 (Annexure-P/12), whereby the impugned termination order was set aside, and the petitioner was directed to be reinstated in service. The operative portion of the order dated 19.12.2023, passed by the District Teacher Appellate Authority, Sitamarhi is quoted hereinbelow for needful:-

“अतः अपीलार्थी द्वारा प्रस्तुत किये कि उपरोक्त तथ्य और उनके द्वारा प्रस्तुत कागजात से स्पष्ट प्रतीत होता है कि श्री





रामदेव गाडिया अध्यक्ष प्रबंध समिति शासी निकाय बैरगनिया का आदेश पत्रांक 02/2021 दिनांक 01.10.2021 निलम्बन पत्र एवं पत्रांक 05/2022 दिनांक 11.01.2022 बर्खास्तगी पत्र गलत तथ्यों पर आधारित है और आनन फानन में उक्त आदेश पारित किया गया है जो निरस्त करने योग्य है। अतः श्री रामदेव गाडिया अध्यक्ष प्रबंध समिति शासी निकाय बैरगनिया का पत्रांक 02/2021 दिनांक 01.10.2021 निलम्बन पत्र एवं पत्रांक 05/2022 दिनांक 11.01.2022 बर्खास्तगी पत्र को रद्द किया जाता है। अपीलार्थी का अपील स्वीकृत किया जाता है। तदनुसार श्री रामदेव गाडिया अध्यक्ष प्रबंध समिति शासी निकाय बैरगनिया को आदेश दिया जाता है कि अपीलार्थी सुनील कुमार जायसवाल को दिनांक 01.10.2021 के पूर्व की स्थिति बहाल करें एवं पूर्व की तरह उनके पद पर कार्य सम्पादन करने की अनुमति दी जाती है।”

5. It is further submitted by learned counsel for the petitioner that, being aggrieved by the aforesaid order dated 19.12.2023, passed by the District Teacher Appellate Authority, Sitamarhi, the Chairman of the College in question preferred a writ application bearing CWJC No. 7401 of 2024. The said writ application was disposed of on 15.04.2025, granting liberty to the Chairman of the concerned college to approach the State Appellate Authority within a period of one month from the date of the order for assailing the order of the District Teacher Appellate Authority, Sitamarhi.

6. It is further informed by the learned counsel appearing for the petitioner that pursuant thereto, the Chairman of the concerned College has preferred an appeal before the





State Appellate Authority, which is presently pending consideration. It is thus contended that, as on date, the termination order dated 11.01.2022 no longer subsists in the eye of law, as it has already been set aside by the District Teacher Appellate Authority, vide order dated 19.12.2023. Despite this, the petitioner has not been reinstated in service in compliance of the order dated 19.12.2023 passed by District Teacher Appellate Authority, Sitamarhi.

7. *Per contra*, learned counsel appearing for the Bihar School Examination Board and learned counsel appearing for the respondent-State submit that this writ application is completely ill-conceived and not maintainable for the reason that it has been filed challenging the same order of termination contained in letter no. 05/2022 dated 11.01.2022, which admittedly has already been set aside and, therefore, no longer survives in law. It is further submitted that the writ petition, insofar as it seeks implementation of the order passed by the District Teacher Appellate Authority, is not maintainable. It is further contended by the respondent-parties that even the relief claimed in paragraph 1(iv) of the writ application, seeking initiation of contempt against respondent no.8, is also legally untenable and misconceived, as such a relief cannot be granted





in a writ application under article 226 of the Constitution of India.

8. Having heard the parties, this Court is of the considered view that the present writ application is wholly ill-conceived and is a vexatious application filed by the petitioner for the reason that once the order of termination dated 11.01.2022 already stood set aside on 19.12.2023 by the District Teacher Appellate Authority, Sitamarhi and had ceased to exist in the eye of law, there was/is no occasion for the petitioner to challenge the same in the present writ application. Also, the present writ application for implementation of the order dated 19.12.2023, passed in Complaint Case No.29/2023 by the District Teacher Appellate Authority, Sitamarhi is not maintainable in law, particularly when the applicable statutory framework, namely, the Bihar State Teaching Institutions Teachers and Emp. Rules, 2020 provides a specific remedy for enforcement of such orders. The petitioner ought to have fully availed the said statutory remedy, instead of invoking the writ jurisdiction of this Court. The prayer for initiating a contempt proceeding against respondent no.8 is equally ill-conceived for the reason that such a relief cannot be sought in an application filed under Article 226 of the Constitution of India.





9. In view of the foregoing submissions, all the reliefs claimed by the petitioner are found to be completely frivolous, vexatious and devoid of merit.

10. It is further observed that, during the course of argument, the learned counsel appearing for the petitioner, despite the apparent infirmity and lack of maintainability, continued to press the matter on merits, thereby consuming valuable judicial time of this Court. It also amounts to an abuse of the process of the Court.

11. Under these circumstances, the present writ application is dismissed with a cost of Rs.20,000/- imposed on the petitioner, to be deposited with the Patna High Court Legal Services Authority for filing frivolous, ill-conceived and vexatious writ application.

12. Accordingly, the present writ application is dismissed on the aforesaid terms.

(Alok Kumar Sinha, J)

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