

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6236 of 2024

Md. Shafiullah S/o- Late Nashrul Haque R/o- Village and P.O.- Kathmaliya,
P.S.- Shikarganj, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Government of Bihar, Patna.
2. The District Education Officer, East Champaran, Motihari.
3. The District Programme Officer (Estt.), East Champaran, Motihari.
4. The Mukhiya, Gram Panchayat Raj Sirauna, P.S.- Chiraiya, East Champaran.
5. The Panchayat Secretary, Gram Panchayat Raj Sirauna, P.S.- Chiraiya, East Champaran.
6. The Head Master, Rajkiya Primary School, Kathmaliya Urdu Kainya, P.S.- Chiraiya, District- East Champaran.
7. Manish Kumar Verma, S/o- Ram Ayodhya Prasad Verma R/o- Village- Ganga Pipar, P.S.- Dhaka, District- East Champaran.
8. Fatima Begum, W/o- Md. Meraz R/o- Village Kathmaliya, P.S.- Shikarganj, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Masoom Alam, Advocate
For the Respondent/s : Mr. Addl. Advocate General (13)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-11-2024 Heard learned counsel for the petitioner and learned
counsel for the respondent/State.

2. This writ petition has been filed for following
reliefs:-

***“(i) To quash the order dated 14.12.2023
passed in Case No. 1105 of 2019/10 of 2022-23 by
the District Appellate Authority, East
Champaran, (Motihari) by which the appeal filed
by the petitioner alongwith one Nirmala Kumari
Gupta has been rejected.***



(ii) To quash the letter of the District Education Officer, East Champaran, (Motihari) as contained in memo no. 340 dated 24.01.2014 as well as resolution no. 3 dated 24.02.2014 of the Panchayat Teacher Committee, Gram Panchayat Raj Sirauna and the Consequential Officer order as contained in memo no. 3 dated 24.02.2014 issued by the Panchayat Secretary, by which the service of the petitioner has been terminated.

(iii) For commanding the respondents to reinstate the petitioner in service and pay him all consequential benefit.

(iv) To hold that the appointment of Respondent no. 6 and 7 against the vacancy of 2003 as Shikiha Mitra which itself is evident from their appointment letters and they do not have any contest so far the petitioner is concerned as he is appointed against 2008 vacancy of 2nd phase against one of the post earmarked for Urdu Teacher whereas the aforesaid Manish Kumar is General Subject Teacher.”

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that writ petition has been filed against the order of District Appellate Authority, for which petitioner has got alternative statutory remedy to file appeal before the State Appellate Authority under Rule 14(c) of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules 2020”), which reads as follows:

“14 (c) The Authority shall hear the appeal against the decisions of District Appellate Authority.”



4. Since the petitioner has got statutory alternative remedy to move before the State Appellate Authority under Rule 14(c) of the Rules 2020, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction and directs the petitioner to seek remedy before the State Appellate Authority.

5. Needless to state here that the issue of limitation, if any, arises, the same may be considered, as the petitioner was pursuing the matter before this Court.

6. With above observation and direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

anay

U			
---	--	--	--

