

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6857 of 2024

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Md Zahid Equbal S/o Md. Iliyaas, Resident of Village- Jabalpur, P.O. Madar,
P.S.- Marwahi, District-Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Principal Secretary Department of Education Bihar, Patna.
2. The Principal Secretary General Administrative Department Bihar, Patna.
3. The Director Primary Education Bihar, Patna.
4. The Regional Deputy Director Education Munger, Division, Munger.
5. The District Magistrate, Khagaria.
6. The District Education Officer, Khagaria.
7. The District Programme Officer (establishment), Khagaria.
8. The Block Education Officer, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Chandeshwar Prasad, Advocate
For the State	:	Mr. Government Pleader 26

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-11-2024 Heard learned counsel for the parties.

2. This writ application has been filed for the following relief/s:-

“(I) To Issue an appropriate order/orders, direction/directions including a writ in the nature of mandamus commanding and directing upon he concerned Respondents to consider and appoint the petitioner to the post of Teacher whose father died in harness on 9.12.2011 due to illness.

(II) To direct the concerned Respondents to appoint the petitioner an compassionate ground commesurating his qualification.



(III) To any other relief/reliefs to which the petitioner is entitled in the facts and & circumstances of the case.”

3. At the outset, learned counsel appearing on behalf of the State raises preliminary objection to the effect that an alternative Statutory remedy is available to the petitioner to move before the District Appellate Authority by way of filing appropriate application under Section 13 of Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2020 (hereinafter referred as “Rules, 2020”), which deals with the power and functions of the District Appellate Authority.

4. Since the petitioner has got statutory alternative remedy to move before the District Appellate Authority under Rule 13 of the Rules 2020, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

5. In view of the aforesaid facts and circumstances, petitioner is directed to file an application before the District Appellate Authority in accordance with law.

6. In the event, such application is filed by the petitioner, the authority concerned is directed to dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, as expeditiously as possible.

7. With the aforesaid observations and directions, this



writ application stands disposed of.

8. It goes without saying that if any question of limitation arises before the District Appellate Authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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