

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7181 of 2024

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Bibi Shahzadi Wife of Md. Sazid Anwar @ Sazid Resident of Village
Chaderdai, P.S. Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. Director, Primary Education, Govt. of Bihar, Patna.
3. District Magistrate, Araria.
4. District Education Officer, Araria.
5. District Programme Officer (Establishment), Araria.
6. District Programme Officer (Saksharta), Araria.
7. District Programme Officer (Samagra Siksha), Araria.
8. Block Education Officer, Araria.
9. Mukhiya, Gram Panchayat Raj, Kusiyaargaon, Block Araria, District - Araria.
10. Panchayat Secretary Gram Panchayat Raj, Kusiyaargaon Block Araria, District - Araria.
11. Bibi Gulshan Ara, Wife of Ansar Alam, R/o Ward No. 11 Kharahia Basti, Araria, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. NV Tiwary, AC to GA 9
For the BEPC	:	Mr. Girijish Kumar, Advocate
		Mr. Akash Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-11-2024

Heard learned counsel for the parties.

2. This writ application has been filed for quashing the order contained in Memo No. 49 dated 21.12.2023 issued by the Panchayat Secretary whereby, service of the petitioner as Panchayat Teacher has been cancelled and for directing the respondents for payment of arrears as well as current salary to



the petitioner.

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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