

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7700 of 2023

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Akhilesh Kumar Yadav Son of Late Bikeshwar Prasad Yadav, Lecturer,
Department of Physiology, R.K.K. College, Purnea, Resident of Village-
Mauzam Patti, P.S. Barhara Kothi, District-Purnea.

... .. Petitioner/s

Versus

1. Purnea University Purnea through its Registrar.
2. The Vice-Chancellor, Purnea University, Purnea.
3. The Registrar, Purnea University, Purnea.
4. The Principal, R.K.K. College, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : Mr.Rakesh Kumar Samrendra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of respondent/Purnea University

2. This writ petition has been filed for directing the respondents concerned to make payment of grant to the petitioner which has been released by the State of Bihar to distribute among the teachers and the same has not been paid to the petitioner without any valid reason, while the same has been paid to other teaching and non-teaching staffs of the college of the petitioner.

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that the petitioner has got alternative remedy of filing



appeal before the District Appellate Authority under Rule 13 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules, 2020), which deals with *the power and functions of the District Appellate Authority*.

4. Learned counsel for the petitioner does not dispute the above proposition.

5. It is settled law that where a right or liability is created by a statute which gives a special remedy for enforcing it, the remedy provided by the statute alone must be availed of. Since, the petitioner has got statutory alternative remedy of filing appeal 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.

6. Accordingly, writ petition is disposed of with direction to the petitioner to file an appeal before the concerned District Appellate Authority. In the event, such appeal is filed within six weeks from today, the same shall be disposed of by a reasoned order in accordance with law after hearing the parties.

7. 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.



8. With above observation & direction, the writ
petition stands disposed of.

(Prabhat Kumar Singh, J)

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