

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6387 of 2023

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Vinod Kumar Yadav Son of Chhatthilal Yadav @ Chatilal Resident of Village-
Darauli, P.S.- Darauli, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The District Magistrate, Araria.
3. The District Programme Officer (Establishment), Araria.
4. The District Education Officer, Araria.
5. The Block Development Officer-Cum-Member Secretary, Block Teacher
Niyojan (Estab.) Samiti, Sikti Block, District- Araria.
6. The Block Education Officer, Sikti Block, District- Araria.
7. The Head Master, Upgraded Middle School, Dhengari, Sikti Block, District-
Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate
For the Respondent/s : Mr.Subhash Chandra Mishra (SC-16)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 13-11-2024 Heard learned counsel for the petitioner and learned
State counsel.

2. This writ application has been filed for directing the
concerned respondent authority to pay the salary of the
petitioner which is due from the date of his joining i.e.
29.04.2015 till date excluding for month of July, August and
September 2015, which has been paid to the petitioner.

3. At the outset, learned counsel for the State raises



preliminary objection on the point of maintainability of the writ petition. He submits that petitioner has got statutory remedy to approach before the District Appellate Authority, Araria and thereafter, the State Appellant Authority, but without exhausting the statutory alternative remedy, the petitioner has directly approached this Court under Article 226 of the Constitution of India.

4. It is settled law that where a right or liability is created by a statute which gives special remedy for enforcing it, the remedy provided by the statute alone must be availed of. Since, the petitioner has statutory alternative remedy of filing application before the District Appellate Authority, Araria, this Court is not inclined to interfere in the matter in its extraordinary writ jurisdiction.

5. Accordingly, the writ application is disposed of with direction to the petitioner to file appropriate application before the District Appellate Authority, Araria within a period of six weeks from today.

6. In the event, such application is filed within the time indicated above, the District Appellate Authority, Araria shall examine the same and dispose of the same with a reasoned order in accordance with law after hearing the parties within a



period of three months thereafter.

(Prabhat Kumar Singh, J)

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