

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7982 of 2023

1. Rama Nand Singh Son of Bhuvaneshwar Prasad Singh Former Principal, B.N.C. College, Dhamdaha, District-Purnea, Presently residing at Poonam Panchwati, Shastri Nagar, Ward No.03, Madhubani, P.S.-K.Hat, District-Purnea.
2. Murli Manohar Singh Son of Sri Tribhuwan Prasad Singh Resident of Village and P.O.-Dhabauli, P.S.-Sour Bazar, District-Saharsa, Presently Working as Adeshpal (Store) in B.N.C. College, Dhamdaha, District-Purnea.
3. Baidhnath Prasad Singh Son of Sri Kapileshwar Prasad Singh Resident of Village and P.O.-Dhabauli, P.S.-Sour Bazar, District-Saharsa, Presently Working as Clerk-Cum-Storekeeper in B.N.C. College, Dhamdaha, District-Purnea.
4. Randhir Kumar Singh Son of Baidhnath Singh Resident of Village and P.O.-Dhabauli, P.S. Sour Bazar, District-Saharsa, Presently Working as Assistant in B.N.C. College, Dhamdaha, District-Purnea.
5. Kripashankar Singh Son of Sri harishankar Singh Resident of Village and P.O.-Dhabauli, P.S.-Sour Bazar, District-Saharsa, Presently Working as Adheshpal in B.N.C. College, Dhamdaha, District-Purnea.
6. Sudhir Kumar Son of Baidhnath Singh Resident of Village- and P.O.-Dhabauli, P.S.-Sour Bazar, District -Saharsa, Presently Working as Library Adeshpal in B.N.C. College, Dhamdaha, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of education, Government of Bihar, Patna.
2. The Director, Department of Higher Education, Government of Bihar, Patna.
3. The Purnea University, Purnea through its Registrar.
4. The Vice-Chancellor, Purnea University, Purnea.
5. The Registrar, Purnea University, Purnea.
6. The B.N. Mandal University, Laloo Nagar, Madhepura through its Registrar.
7. The Vice Chancellor, The B.N. Mandal University, Laloo Nagar, Madhepura.
8. The Registrar, The B.N. Mandal University, Laloo Nagar, Madhepura.
9. The Finance Officer, Purnea University, Purnea.
10. The Governing Body (G.B.), B.N.C. College, Dhamdaha, District-Purnea through its Secretary.
11. The Secretary, Governing Body (G.B.), B.N.C. College, Dhamdaha, District-Purnea.
12. The Incharge Principal, B.N.C. College, Dhamdaha, District-Purnea.
13. The University Representative, Governing Body (G.B.), B.N.C. College, Dhamdaha, District-Purnea.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Mr.Prabhakar Jha (Gp 27)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for directing the respondents to pay the petitioners their due amount of salary/ remuneration from the fund received by the college as ‘Anudan’ (aid) as also from internal resources along with penal interest. Petitioners have further prayed for holding enquiry in the matter of removal of petitioner no.1 from the post of principal without following any process of law, nominating much junior teacher as in-charge principal.

3. At the outset, learned counsel for the State raises preliminary objection and submits that the petitioners may seek remedy before the District Appellate Authority under Rule 13 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 which deals with the power and functions of the District Appellate Authority.

4. Learned counsel for the petitioners does not dispute this fact.

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 statutory alternative remedy of 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 petitioners to file an appeal before the Appellate Authority. In the event such appeal is filed within four weeks from today, the same shall be disposed of with a reasoned order in accordance with law after hearing the parties within further eight weeks.

7. It goes without saying that if any question of limitation arises before the Appellate authority, the same shall be considered, taking into consideration the fact that the petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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