

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6782 of 2024

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Shegufta Begam @ Shegufta Begam Wife of- Late Shahnawaz Alam,
Daughter of- late Sheikh Mubarak resident of Village- Rakhahi, P.S.-
Shikarpur District- West Champaran at present Village- Shivganj, P.S.-
Narkatiyaganj, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar thorough the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director Primary Education, Government of Bihar, Patna
3. The District Magistrate West Champaran (Bettiah)
4. The District Programme Officer (Establishment) West Champaran (Bettiah)
5. The District Education Officer West Champaran (Bettiah)
6. The Block Education Extension Officer Narkatiyaganj Block, District- West
Champaran (Bettiah)
7. The Secretary Block Employment Unit-Cum-B.D.O. Narkatiyaganj Block,
District- West Champaran (Bettiah)

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Arbind Kumar Singh, Advocate
For the State	:	Mr. Standing Counsel 8

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. The present writ application has been filed for quashing the office order as contained in Memo No. 149 dated 18.09.2023 issued under the signature of the Secretary, Block Employment Unit-cum-B.D.O., Narkatiyaganj Block, District- West Champaran (Bettiah) (Respondent No. 7) whereby and whereunder the services of the petitioner as a Block Teacher has been cancelled with immediate effect.



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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