

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7366 of 2023

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Awantika Kumari Wife of Ranveer Singh, resident of Rampur Gaya College,
P.O. and P.S. Rampur, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Patna.
2. The Additional Chief Secretary, Education Department, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Programme Officer (Estab), Gaya.
5. The Block Development Officer, Tekari, Gaya.
6. The Teacher Employment Unit, Neema, Dobhi, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. This writ petition has been filed for directing the respondents not to remove the petitioner from Primary School, Makhraur, Prakhand Dobhi, Gaya, where she is working as Panchayat Teacher since her appointment on 6.2.2007, in light of order passed in C.W.J.C.No. 17214 of 2019 since petitioner has already completed her training from IGNOU but certificate was not issued within time.

3. At the outset, learned counsel for the State raises preliminary objection and submits that the petitioner 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 petitioner 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 petitioner 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 petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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