

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7798 of 2023

Manju Kumari W/o Braj Kishor Singh R/o Village Sahdullahpur Satan,
Distirct-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director, State Education Research and Training Council, Bihar, Patna.
3. The Director (Primary Education), Govt. of Bihar, New Secretariat, Patna.
4. The District Magistrate, Vaishali.
5. The District Education Officer, Vaishali.
6. The District Programme Officer (Establishment), Vaishali.
7. The Block Development Officer, Hajipur, Vaishali.
8. The Block Education Officer, Hajipur, Vaishali.
9. The Panchayat Secretary, Sahdullahpur, Hajipur, Vaishali.
10. The Principle, Nawshirijit Madhya Vidhalaya, Majarach, Hajipur, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate
For the State : Mr. Madhaw Pd. Yadaw, GP-23

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-11-2024 Heard learned counsel for the parties.

2. This writ application has been filed for the following relief/s:-

- “i. To direct the Respondent authority to accept the application form for appearance in Primary Teacher Evolutionary (Dakshata) in Examination 2023 and accordingly issued admit card for appearance in said examination.*
- ii. To further direct to respondent authority, after successfully completion of Dakshta Examination to provide the consequential benefits.”*



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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