

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7371 of 2024

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Arvind Kumar S/O Late Bhola Mahto resident of village- Bagharas, P.O.-
Mehdouli P.S.- Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar Through Addl. Chief Secretary, Department of Education,
Government of Bihar, Patna
2. The Director Primary Education, Government of Bihar, Patna
3. The District Education Officer Samastipur
4. The District Program Officer Samastipur
5. The Block Education Extension Officer Vidyapati Nagar, District-
Samastipur
6. The Mukhiya Ajnoul Panchayat Raj, block- Dal Singh Sarai, District-
Samastipur
7. The Panchayat Secretary Ajnoul Panchayat Raj, block- Dal Singh Sarai,
District- Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ganesh Prasad Singh, Advocate
For the State	:	Mr. Standing Counsel 23

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. This writ application has been filed for the
following reliefs:-

*“A. To issue appropriate writ/writs, order/orders,
direction/directions, commanding the respondents
authorities to reinstate the petitioner on the post of
Panchayat Teacher; after setting aside order dated
12.02.2013 passed by the learned District Teacher
Appointment Appellate Authority, Samastipur whereby
learned appellate authority has dismissed appeal case
No. 744 of 2009 which was filed by the petitioner
against the termination of his service from the post of
Panchayat Teacher issued under signature of
Respondent Mukhiya, Panchayat Raj, Ajanoul vide*



letter dated 05.01.2009.

- B. To issue a direction, order, or writ upon the respondents to grant all subsequent benefit after passing order of reinstatement/rejoining on the post of Panchayat Teacher as recently the respondent authorities vide its order dated 20.01.2024 have reinstated service of similarly situated persons who were earlier terminated from the service on the very same ground of service of petitioner was terminated.*
- C. To issue any other relief/reliefs that the petitioner may be found to be entitled in the fact and circumstances of the present case.”*

3. At the outset, learned counsels appearing on behalf of the respondents raise preliminary objection to the effect that an alternative Statutory remedy is available to the petitioner to move before the State Appellate Authority under Rule 14 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules 2020”), which deals with powers and functions of the State Appellate Authority.

4. Since the petitioner has got statutory alternative remedy to move before the State Appellate Authority under Rule 14 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 State 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 State 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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