

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7611 of 2023

1. Ajeet Kumar Singh Son of Mani Prasad Singh, Resident of Village- Rampatti, P.S.- Singheshwar, District- Madhepura, presently working as lecturer, Department of Political Science, B.N.C. College, Dhamdaha, District- Purnea.
2. Ajay Kumar Singh Son of Surya Narayan Singh, Residing of Village and P.O.- Sakarpura, P.S.- Singheshwar, District- Madhepura, presently residing at Ganghala, near Dr. P.K. Malick, Ward No. 16, Saharsa, P.S. and District- Saharsa. presently working as Lecturer, Department of Psychology, B.N.C. College, Dhamdaha, District- Purnea.
3. Dineshwar Jha Son of Gopeshwar Jha, Resident of Village and P.O.- Atalakha, Ward No. 02, P.S.- Basnahi, District- Saharsa, presently working as lecturer, Department of Philosophy, 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, B.N. Mandal University, Laloo Nagar, Madhepura.
8. The Registrar, 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
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER



2 21-11-2024 Heard learned counsel for the petitioners and learned counsel appearing on behalf of respondent/State.

2. This writ petition has been filed for following reliefs:

i) To pay the petitioners their due amount of salary/renumeration from the fund received by the college as 'Anudan' (Aid) as also from internal resources alongwith penal interest.

ii) To hold a high-level enquiry from any independent agency with regard the large-scale bungling and misappropriation of fund, illegal constitution of Governing Body by the College Administration.

iii) To hold enquiry in the matter of nominating much junior teacher as Incharge Principal, making donor member and Secretary of the Governing Body in a very illegal and malafide manner.

iv) And/or any other relief or reliefs to which the petitioners are found entitled to in the facts and circumstances of the case.

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that the petitioners have got alternative remedy of filing appeal before the District Appellate Authority under Rule 13 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short "Rules, 2020), which deals with *the power and functions of the District Appellate Authority*.



4. Learned counsel for the petitioners does not dispute the above proposition.

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 got statutory alternative remedy of filing 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 concerned District Appellate Authority. In the event, such appeal is filed within six weeks from today, the same shall be disposed of by a reasoned order in accordance with law after hearing the parties.

7. Needless to state here that the issue of limitation, if any, arises, the same may be considered as the petitioners were pursuing the matter before this Court.

8. With above observation & direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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