

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7727 of 2023

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Virendra Kumar Son of Late Shreenath Mahto Resident of Village-Sadpur,
P.S. Sahebpur Kamal, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secreary, Department of Education, Bihar.
2. Bihar Human Rights Commission, 9, Bailey Road, Patna-15.
3. Bihar School Examination Board, Patna. through Director (Teaching) Patna.
4. District Officer, Begusarai.
5. District Education Officer, Begusarai.
6. Block Education Officer, Sahebpur Kamal, Begusarai.
7. Narayan Yadav Son of Late jageshwar Prasad Yadav Incharge Head Master, Janta Uchcha Vidyalaya, Sadpur, P.S. Sahebpur Kamal, District Begusarai, Resident of Village and P.O. sadpur, P.S. Sahebpur Kamal, District-Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Diwakar Sinha, Adv.
For the Respondent/s	:	Mr. Jitendra Kr. Roy 1 (Sc13)
		Mr. Jai Prabhat Kishore, AC to SC-13
For BSEB	:	Mr. Md. Nadim Seraj, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner, learned

State counsel and learned counsel appearing on behalf of

respondent/BSEB.

2. This writ petition has been filed for following

reliefs:-

(A) A writ in the nature of certiorari or any other appropriate writ, order, direction quashing the order dated 02.03.2020 passed by Sri Ujjawal Kumar Dubey, Executive President Bihar Human Rights Commission, Patna in BHRC/ Comp. Case No. 7241 / 2016 dropped (Sanchikasth) the case



on a finding that non payment of grant /money to petitioner appears to be genuine.

(B) A writ in the nature of Mandamus or any other appropriate writ, order, direction commanding the Respondents concerned to make payment of grant /money to the petitioner.

(C) Any other relief to which the petitioner is found entitled to.

3. At the outset, learned State counsel as well as learned counsel for the Respondent / Bihar School Examination Board raised preliminary objection on the maintainability of writ petition and submitted that the petitioner has 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 petitioner 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 petitioner 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 petitioner was 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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