

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8081 of 2024

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Surendra Prasad Nirala Son of late Khakhu Ray, Resident of Mohalla South Dhaman, P.S.- Samastipur Patori District Samastipur posted as Principal, K.S.S. College, Mohadinagar, Samastipur.

... .. Petitioner/s

Versus

- 1 . The State of Bihar, Through the Principal Secretary, Higher Education, Government of Bihar, Patna.
2. The Secretary, Bihar School Examination Board, Bihar, Patna.
- 3 . The Director (Education), Bihar School Examination Board, Bihar, Patna.
4. The District Magistrate, Samastipur.
- 5 . The District Education Officer, Samastipur, District Samastipur.
6. The District Programme Officer (Establishment), Samastipur, within the District Samastipur,
7. Sudha Kumari Wife of Shree Shobhananad Kant, Resident of mohalla Kashipur Court Road, Ward No. 12, Police Station Samastipur Town District Samastipur, the then Principal, K.S.S College, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar Mishra, Advocate
For the Respondent/s : Mr. Standing Counsel (16)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2024 Heard learned counsel for the parties.

2. This writ application has been filed directing the respondent/s to hand over the charge of the Principal of KSS College Samastipur to the petitioner and also to take appropriate action against the respondent No. 7.

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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