

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7555 of 2023

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Archana Kumari D/o Krishna Prasad and W/o Subhash Chanra, Flat No. 203,
B Block, Rudra Residency, Abhiyanta Nagar, Gola Road, P.S.-Khagaul,
District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Addl. Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Special Secretary-cum-Director, Secondary Education, Government of Bihar, Patna.
4. The Deputy Secretary, Department of Education, Government of Bihar, Patna.
5. The District Education Officer, Government of Bihar, Patna.
6. The District Programme Officer (Secondary), Patna.
7. The Khagaul Municipality through its President, Khagaul, P.S.-Khagaul, District-Patna.
8. The Member Secretary-cum-Town Executive Officer, Khagaul Municipality, P.S.-Khagaul, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Suraj Narain Yadav, Adv.
For the State	:	Smt. Binita Singh (Sc28)
For Resp.No. 7 & 8	:	Mr. Sunil Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of respondent/State.

2. This writ application has been filed for direction to
the concerned respondent to hold second round of counseling to
fill up the single post of Teacher in Science subject earmarked
for Unreserved Category in the High School under Khagaul
Municipality, District Patna, which is vacant as the selected



candidate did not turn up after counseling and appointment letter could not be issued to her and the petitioner, who was the next candidate in the final merit list, was not given opportunity to be appointed for which she was entitled.

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits 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 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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