

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7227 of 2023

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Basanti Kumari @ Basanti Devi Daughter of Ramjanam Singh Resident of
Village-Balkhora, Neema, P.S. Amas, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar Patna.
2. The Principal Secretary Education Department Bihar Patna.
3. The Special Secretary Education Department Govt. of Bihar Patna.
4. The Director Primary Education Bihar Patna.
5. The Regional Deputy Director of Education Magadh Division Gaya.
6. The Collector Under the District of Gaya.
7. The District Education Officer Gaya.
8. The District Programme Officer Gaya.
9. The Block Education Officer Gurua Gaya.
10. The Block Development Officer-Cum Secretary Niyojan Samiti Gurua Gaya.
11. The Headmaster Rajkiya Madhya Vidhalaya, Jhikatiya P.S. Gurua, District-Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Advocate
For the Respondent/s : Mr.Kameshwar Kumar (Gp 17)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-11-2024

Heard learned counsel for the parties.

2. This writ petition has been filed for directing the respondents to make payment of salary to the petitioner stopped since January, 2018 as well as the consequential arrears with interest.

3. At the outset, learned counsel for the State raises preliminary objection and submits that the petitioner may seek remedy before the District Appellate Authority under Rule 13 of the Bihar State Teaching Institutions Teachers and Employees



(Disputes Redressal and Appeal) Rules, 2020 which deals with the power and functions of the District Appellate Authority.

4. Learned counsel for the petitioner does not dispute this fact.

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 statutory alternative remedy of 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 Appellate Authority. In the event such appeal is filed, the same shall be disposed of with a reasoned order in accordance with law after hearing the parties.

7. It goes without saying that if any question of limitation arises before the 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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