

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7905 of 2023

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Shailendra Kumar S/o Sitaram Yadav Resident of Village- Rampur, P.S.-
Govindpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar Through the D.D.C., Magadh Division, Gaya.
2. The District Magistrate, Nawada.
3. The District Education Officer, Nawada.
4. The In-charge Principal, High School, Rampur, Nawada.
5. The Block Education Officer, Govindpur, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Sheo Kumar Prasad, Advocate
For the State : Ms. Binita Singh, SC-28

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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 application has been filed for the
following relief/s:-

- “(i) For issuance of writ in the nature of mandamus for commanding the respondent for payment of arrears of salary to the petitioner since 08.01.2020 uptill dated.*
- (ii) For issuance of writ in the nature of certiorari for quashing the order vide Gyapank no. 183 dated 25.01.2023 passed by the District Education Officer, Nawada.*
- (iii) To issue a writ in the nature of mandamus for a direction to the respondent authorities to allow the continue on the post of Night Guard to the petitioner.*
- (iv) And for any other relief of reliefs for which petitioner is legally entitled for..”*



3. Admittedly, the petitioner was holding the post of Nigh Guard and has been removed from services vide order bearing Memo No. 183 dated 25.01.2023 issued under the signature of the District Education Officer, Nawada (Respondent No. 3).

4. At the outset, learned counsel appearing on behalf of the State raises preliminary objection to the grievances of the petitioner can suitably be redressed in terms of the statutory provisions contained in Section 10 (a) of the Industrial Disputes Act, 1947.

5. Since the petitioner has got statutory alternative remedy under Section 10 (a) of the Industrial Disputes Act, 1947, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

6. In view of the aforesaid facts and circumstances, petitioner is granted liberty to avail the alternative statutory remedy available to him under Section 10 (a) of the Industrial Disputes Act, 1947 in accordance with law.

7. 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.



8. With the aforesaid observations and directions, this writ application stands disposed of.

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