

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7328 of 2023

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Mukesh Kumar Son of Late Prahlad Sinh @ Prahlad Mahto, Resident of Village- Navanagar Nizamat, Police Station- Sahebganj, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar Through the Director, Primary Education, Department of Education, Bihar, Patna.
2. The District Education Officer, Muzaffarpur.
3. The District Programme Officer (Establishment), Muzaffarpur.
4. The Block Education Officer, Sahebganj, District- Muzaffarpur.
5. The Headmaster, Up-graded Middle School, Makari Tola, Block- Sahebganj, District- Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioners	:	Mr.Upendra Kumar Chaubey, Advocate
For the Respondent/s	:	Mr.Madhaw Pd. Yadaw (Gp23)
		Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-11-2024

Heard learned counsel for the parties.

2. This writ petition has been filed for directing the respondents to accept the joining of the petitioner on the post of Block Teacher in Up-graded Middle School, Makari Tola, Block Sahebganj, District Muzaffarpur as well as to grant consequential benefits to the petitioner.

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 within four weeks from today, the same shall be disposed of with a reasoned order in accordance with law after hearing the parties within further eight weeks.

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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