

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8033 of 2023**

Manju Kumari W/o Dhananjay Kumar Ray, R/o and P.O. Inayatpur, P.S. Patory, District Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director (Primary Education), Govt. of Bihar, New Secretariat, Patna.
3. The District Magistrate, Vaishali.
4. The District Education Officer, Vaishali.
5. The District Programme Officer (Establishment), Vaishali.
6. The Block Development Officer, Jandaha, Vaishali.
7. The Block Education Officer, Jandaha, Vaishali.
8. The Mukhiya Gram Panchayat Raj, Mansingpur Bijhrauli, Block Jandaha, Dist. Vaishali.
9. The Panchayat Secretary, Gram Panchayat Raj, Mansingpur Bijhrauli, Block Jandaha, Dist. Vaishali.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Shashi Bhushan Kumar  
For the Respondent/s : Mr. Prabhakar Jha (Gp27)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      25-11-2024                      Heard learned counsel for the petitioner and learned counsel appearing on behalf of respondent/State.

2. This writ petition has been filed for quashing memo no. 01 dated 10.01.2023 issued by Respondent no. 6/Panchayat Secretary whereby and whereunder the service of the petitioner has been terminated on the ground that she was appointed on the basis of certificate issued from the unrecognized institution.

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 concerned 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)**

anay

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

