

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7783 of 2024

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Rita Kumari wife of Amlesh Kumar, D/O Baleshwar Mahto Resident of
Village- Bhita, P.O.- Choubey, P.S- Sirdala, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Joint Secretary Department of Education, Government of Bihar, Vikash Bhawan, Patna
3. The Director, Primary Education, Government of Bihar, Patna,
4. The District Education Officer, Shekhpura,
5. The District Program Officer (Establishment), Shekhpura
6. The Block Education Officer, Ghatkusumbha, District Shekhpura
7. The Mukhiya Cum Chairman, Panchayat Teacher Employment Unit, Gram Panchayat Raj, Dihkusumbha, Block District - Shekhpura Ghatkusumbha,
8. The Panchayat Secretary Cum Secretary Member 8. Panchayat Teacher Employment Unit, Gram Panchayat Raj, Dihkusumbha, Block Ghatkusumbha, District - Shekhpura

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Ganesh Prasad Singh, Advocate
For the State : Mr. Standing Counsel 4

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2024 Heard learned counsel for the parties.

2. This writ application has been filed for the following reliefs:-

“(A) To issue appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for quashing the letter No. 1760 dated 10.04.2024 issued by respondent District Program Officer (Establishment), Shekhpura as well as for quashing the letter dated 20.04.2024 issued by Panchayat Secretary cum Secretary, Panchayat Teacher Employment Unit, Gram Panchayat Raj, Dihkusumbha, Block Ghatkusumbha, District Shekhpura, whereby the



respondents have taken decision to terminate the service of the petitioner from the post of Panchayat Teacher (Trained), without initiating any disciplinary proceeding or giving any show cause notice either under new Rule "the Bihar State School Teachers (appointment, transfer, disciplinary action and service condition) Rules, 2023" or under, Bihar Panchayat Elementary Teachers (Employment and service conditions) Rules, 2012.

- (B) To issue appropriate writ/writs, order/orders, direction/directions commanding the respondents to reinstate the petitioner forthwith on the post of Panchayat Teacher (Trained) with all consequential benefits as the respondents have restrained the petitioner for performing his service on the said post.*
- (C) To issue any other appropriate writ/writs, order/orders, and direction/directions for the petitioner is entitled under the facts and circumstance of the case."*

3. At the outset, learned counsel appearing on behalf of the State raises preliminary objection to the effect that an alternative Statutory remedy is available to the petitioner to move before the District Appellate Authority by way of filing appropriate application under Section 13 of Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2020 (hereinafter referred as "Rules, 2020"), which deals with the power and functions of the District Appellate Authority.

4. Since the petitioner has got statutory alternative remedy to move 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.

5. In view of the aforesaid facts and circumstances, petitioner is directed to file an application before the District Appellate Authority in accordance with law.

6. 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.

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

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