

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7451 of 2023

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Sunil Kumar Son of Sri Sadhu Sharan Prasad, Resident of Village and P.O. -
Nimthu, P.S. - Neemchak Bathani, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar,
New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Gaya.
4. The District Programme Officer (Establishment), Gaya.
5. The Block Education Officer, Neemchak Bathani, District - Gaya.
6. The Panchayat Secretary, Gram Panchayat Raj, Telari, Anchal and P.S. -
Neemchak Bathani, District - Gaya.
7. The Headmaster, Primary School, Nasir Bigha, Anchal and P.S. - Neemchak
Bathani, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Respondent/s : Smt. Binita Singh (Sc28)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of respondent/State.

2. This writ petition has been filed for quashing the
order, as contained in Memo No. 01 Neemchak Bathani dated
28.02.2023, issued by Member Secretary, Panchayat
Employment Committee, Telari-cum-Panchayat Secretary, Gram
Panchayat Telari, Neemchak Bathani, District – Gaya whereby
and whereunder the service of the petitioner from the post of
Panchayat Teacher has been terminated.



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 District Appellate Authority, Gaya. 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)

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