

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7988 of 2023

Arvind Kumar Son of Sri Sarju Rai Resident of Village- Takiya, P.O.- Paiga,
P.S.- Amnaur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Director, Primary Education, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The Director Education Officer, Saran at Chapra.
4. The District Programme Officer, Saran at Chapra.
5. The Executive Officer-cum-Block Panchayati Raj Officer, Amnaur, P.O. and P.S.- Amnaur, District- Saran at Chapra.
6. The Block Education Officer, Amnaur, P.O. and P.S.- Amnaur, District- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bipin Bihari Singh, Advocate
For the Respondent/s	:	Mr.Jitendra Kumar Roy 1 (Sc 13) Mr. B.B.Pal, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for setting aside an order passed by Executive Officer-cum-Block Panchayati Raj Officer, Amnaur, Saran in Memo No. 1350 dated 17.08.2022 dispensing with his service on dictate of superiors without application of mind or providing reasonable opportunity of hearing, which is mandatory on or before adverse order as such it is obvious that entire exercises are in violation of natural justice though it is mandatory, obligatory and elementary law before adverse order as well as further prayer for reinstatement in service with back wages completing due process apart of litigating cost for unnecessary harassment.



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.

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(Prabhat Kumar Singh, J)

