

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8139 of 2023

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Shailendra Kumar Chaurasia S/o Kailash Prasad Chaurasia, R/o Village-
Rampur, P.O.- Bagheji, P.S.- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Government of Bihar, Education Department.
2. The District Magistrate, Gopalganj.
3. The Deputy Director Commissioner, District Board, Gopalganj.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Mid Day Meal Planning) cum Enquiry Officer, Gopalganj.
6. The District Programme Officer, Secondary Education Presenting Officer, Gopalganj.
7. The Block Development Officer, Barauli, Gopalganj.
8. The Block Education Officer, Barauli, Gopalganj.
9. Mukhiya, Gram Panchayat Raj, Laurauli, Block- Barauli, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Harendra Prasad, Advocate
For the State	:	Mr. Subhash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. This writ application has been filed for setting aside the order dated 06.08.2021 issued vide Memo No. 125 by the Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Gopalganj whereby and whereunder one salary increment of the petitioner was withheld.

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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