

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8117 of 2023

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Anju Prasad W/o Sri Virendra Prasad R/o Village Mohanpur, P.O. Panapur
Dharampur, P.S. Bidupur, Distt-Vaishali.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27

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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 the following reliefs:-

“i) To quash the memo no. 12 dated 08.12.2022 issued by the Panchayat Secretary Gram Panchayat Raj, Kanchanpur, Bidupur, whereby and whereunder the employment of the petitioner has been cancelled on the ground that the petitioner was appointed on the basis of invalid degree of Madhama Visarad issued from Hindi Sahitya Sammelan Allahabad. A copy of memo dated 08.12.2022 is annexed herewith and marked as



Annexure-1 to this application.

ii) To further direct to the respondent authority not to disturb the petitioner in discharging their duty as a Block teacher.”

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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