

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8102 of 2024

Moulesh Singh @ Maulesh Kumar Son of late Gopal Singh. Resident of Village- Amba, Police Station Amba, District- Aurangabad at present Resident of Mohalla- 484 Vishram Nagar Jhabar, Police Station- Deepka, Korba, District- Chhattisgarh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar.
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
3. The District Programme Officer Establishment, Aurangabad.
4. The Block Education Extension Officer, Amba, Aurangabad.
5. In-charge Headmaster, Government Middle School, Amba, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Kinkar Kumar, Standing Counsel 9

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2024 Heard learned counsel for the petitioner and learned counsel for the respondent/State.

2. The writ application has been filed for quashing order dated 29.02.2024 passed by District Appellate Authority, Aurangabad in Dispute Case No. 04/2024 whereby and where under the application/appeal filed by the petitioner for accepting his joining, as Prakhanda Teacher, has been rejected on the ground that Rule 12 of the Bihar School Exclusive Teachers Rules 2023 restrained the District Appellate Authority from accepting any fresh service disputes cases w.e.f. 26.12.2023.

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that writ petition has been filed against the order of



District Appellate Authority, for which petitioner has got alternative statutory remedy to file appeal before the State Appellate Authority under Rule 14(c) of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules 2020”), which reads as follows:

“14 (c) The Authority shall hear the appeal against the decisions of District Appellate Authority.”

4. Since the petitioner has got statutory alternative remedy to move before the State Appellate Authority under Rule 14(c) of the Rules 2020, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction and directs the petitioner to seek remedy before the State Appellate Authority.

5. 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.

6. With above observation and direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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