

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8067 of 2023**

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Babita Singh Daughter of Nagdeo Singh and Wife of Fanindra Kumar Singh  
Resident of Village and P.O.- Kumana, P.S.- Kopa, Prakhand- Jalalpur,  
District- Saran at present posted as Prakhand Teacher-cum-In charge  
Headmaster, Madhya Vidyalaya, Kumana, Jalalpur, Chapra, Saran, Pin Code-  
841205.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Education Dept., Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Saran at Chapra.
5. The Education Officer, Saran at Chapra.
6. The District Programme Officer (Estt.), Saran at Chapra.
7. The Executive Officer-cum-Prakhand Vikash Padadhikari, Jalalpur, Chapra, Saran.
8. The Block Education Officer, Jalalpur, Chapra, Saran.
9. Santosh Kumar Paswan, Son of Tarkeshwar Manjhi Resident of Village- Pilue, P.O. and P.S.- Daudpur, Prakhand- Manjhi, District- Saran at present posted as Prakhand Teacher Madhya Vidyalaya Kumana, Jalalpur, Chapra, Saran, Pin Code- 841205.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar, Advocate  
For the Respondent/s : Mr.Kameshwar Kumar ( Gp 17 )

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      25-11-2024                      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  
impugned order issued under Memo No. 441 /Chapra dated  
24.04.2023 under the signature of the District Education Officer,



Chapra, Saran and all its consequential orders including letter No. 3696 Chapra dated 07.07.2022 under the signature of the District Programme Officer (Estt.) Saran, Chapra, order dated 13.02.2023 issued under memo No.48 and also the order dated 27.02.2023 issued under memo No. 146 under the signature of the *Prakhanda Shiksha Padadhikari*, Jalalpur, Saran whereby the petitioner has been declared junior to the Respondent No. 9 and has been directed to hand over charge of In-charge Headmaster to the Respondent No. 9, who is junior to the petitioner and further the salary of the petitioner has been stopped till the hand over charge of In-charge Headmaster illegally and arbitrarily.

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 concerned District Appellate Authority. 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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