

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8005 of 2023

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Mahesh Kumar Son of Rupam Mehta @ Rupam Mehta Resident of
Lakshminia, Ward No. 13, Hardi Police Station and District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department (Higher Education), Government of Bihar, Patna.
2. The B. N. Mandal University, through its Registrar, B.N. Mandal University, laloo Nagar, Madhepura.
3. The Registrar, B.N. Mandal University, laloo Nagar, Madhepura.
4. The Governing Body of Baba Singheswar Radha Krishan College, through its Secretary, Singheshwar, Madhepura.
5. The Secretary, Baba Singheswar Radha Krishan College Governing Body, Singheshwar, Madhepura.
6. The Principal, Baba Singheswar Radha Krishan College, Singheshwar, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Prasad Singh
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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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/
setting aside the letter no. 190 dated 21.03.2023 issued by the
Principal, Baba Singheswar Radha Krishna College,
Singheshwar, Madhepura (Respondent no. 6) whereby the
service of the petitioner has been terminated.

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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