

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8179 of 2023

Shobha Kumari Wife of Pravin Kumar, resident of village - Near Bhagvati Mandir, Kandopur @ Khandakpar, Biharsharif, District - Nalanda, Pin - 803109.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Cum-Commissioner, Department of Education, State of Bihar, Patna.
2. The Director (Primary Education), Department of Education, New Secretariat, Patna.
3. District Magistrate, Nalanda.
4. The District Education Officer, Nalanda.
5. The District Programme Officer, Establishment Nalanda.
6. The Block Development Officer, Silao, Nalanda.
7. The Block Education Officer, Silao, Nalanda.
8. The President-cum-Mukhiya, Employment Committee, Panchayat Raj, Badgao.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Om Prakash Prasad, Advocate
For the State	:	Ms. Binita Singh, SC-28

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) For direction to the respondent authorities to pay the arrears of salary of the petitioner from November 2019 to 13.10.2020 during which period he continuously rendered her service as panchayat Teacher at Primary school, Badgaon, Gadhpur in pursuance of valid lawful and proper appointment but her payment has been withheld by them arbitrarily and capriciously.

(II) For direction to the respondent authorities to pay the legitimate interest contingent upon the admitted salary of the petitioner.



(III) For any other relief/reliefs as your lordships may deem fit and proper.”

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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