

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9402 of 2024

Umesh Kumar Singh Son of Late Saryu Singh @ Sarju Singh, resident of Village- Sahpur, Police Station- Parasbigha Jehanabad in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Jehanabad.
4. The District Panchayat Raj Officer, Jehanabad.
5. The District Education Officer, Jehanabad.
6. The Block Development Officer, Ratni Faridpur in the district of Jehanabad.
7. The Block Education Officer, Ratni Faridpur in the district of Jehanabad.
8. The Gram Panchayat, Narayanpur under Ratni Faridpur Block in the district of Jehanabad through its Secretary.
9. The Secretary, Gram Panchayat, Narayanpur under Ratni Faridpur Block in the district of Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, Sr.Adv.
Mr. Rajan Prakash, Adv. (AC to GA-2)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-12-2024 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 letter no. 3 dated 19.03.2018 issued under the signature of respondent no. 9 whereby the service of the petitioner has been terminated with retrospective effect and also to quash the office order contained in Memo No. 13 dated 03.02.2024 issued by



respondent no. 9 whereby some modification has been made in aforesaid letter no. 3 dated 19.03.2018.

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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