

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8517 of 2023

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Sarvesh Kumar Son of Sri Basant Kumar Resident of Village and P.O.-
Bakunthpur, Police Station-Raja Pakar, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additinal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The District Magistrate, Darbhanga
4. The Deputy Development Commissioner Cum Executive Officer, Zila
Parishad, Niyojan Unit, Darbhanga.
5. The Additional Colector Cum Executive Officer, Zila Parishad, Darbhanga.
6. The Chief Executive Officer, Zila Parishad, Teacher Niyojan Unit,
Darbhanga.
7. The District Programme Officer (Establishment) Cum Membver Niyojan
Unit, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Madan Jeet Kumar, GP-20

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2024 Heard learned counsel for the parties.

2. This writ application has been filed for
commanding the respondent-Authorities to issue appointment
letter to the petitioner as Madhyamik Teacher in Social Science
subject in Darbhanga district.

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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