

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9005 of 2024

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Nafis Alam @ Nashif Alam Son of Md. Salim Resident of Village-Piyano,
P.S. Kopa, District-Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar at Patna.
2. The Director, Primary Education, Bihar at Patna.
3. The District Magistrate, Saran at Chapra
4. The District Education Officer, Saran at Chapra.
5. The District Program Officer (Establishment), Saran at Chapra
6. The Block Education Officer Ekma 2, Saran
7. The Block Development Officer-Cum-Executive Officer Block Ekma, District-Saran
8. The Block Panchayati Raj Officer Ekma, District-Saran.
9. The Headmaster, Upgraded Middle School, Bishunpura Kala Prakhand Ekma, District-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Soni
For the Respondent/s	:	Mr.Government Pleader 4

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-12-2024 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 order, contained in Memo No. 315 dated 05.09.2023, passed by the Block Panchayati Raj Officer-cum-Secretary, Block Teacher Employment Unit, Ekma, Saran whereby and whereunder the petitioner has been terminated from the post of Block Teacher and he has also been directed to deposit the due salary received by him from the period from 01.06.2022 to 01.09.2023.



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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