

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9469 of 2023**

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Sima Kumari D/o Upendra Prasad, W/o Nitish Kumar Resident of Mohalla  
and P.O. Goshala Road, Sanhauli, P.S. Chitragupta Nagar, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Primary and Secondary Education, Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Deputy Director, Regional Education, Munger Division, Munger.
4. The District Education Officer, Khagaria.
5. District Programme Officer, Khagaria.
6. The Block Education Officer, Block- Khagaria, District- Khagaria.
7. The Block Development Officer, Block- Khagaria, District- Khagaria.
8. The Headmaster, Primary School Bidyadhar Ward no. 4, Block and District- Khagaria.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Abdul Mannan Khan, Advocate  |
|                      |   | Mr. Hafiz Shahbaz Arif, Advocate |
| For the Respondent/s | : | Mr. Kameshwar Kumar ( Gp 17 )    |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2. 28-11-2024                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of respondent/State.

2. The present writ petition has been filed for quashing the office order, contained in memo no. 1472 dated 11.4.2023, issued by the District Programme Officer (Establishment), Khagaria whereby direction has been issued to deposit the salary of September 2022 to December 2022 in the office Bank account immediately and subsequent order, contained in letter no. 1675 dated 2.5.2023, by which he has



directed the petitioner to deposit the paid salary amounting to Rs. 1,02,864/- (Rs one lakh two thousand eight hundred sixty four only) with 12% interest failing which certificate proceeding will be initiated for recovery of said amount and also F.I.R. will be lodged against her.

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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