

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12329 of 2023

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Shashi Kumari Wife of Anil Kumar Singh Resident of Village- Pipra, P.S.-
Rupauli, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Purnea.
5. The District Education Officer, Purnea.
6. The District Programme Officer (Establishment), Purnea.
7. The Block Education Officer, Rupauli, Purnea.
8. The Selection Committee, Laxmipur Girdhar Panchayat, Rupauli, Purnea through the Panchayat Sachiv.
9. The Bihar School Examination Board, Patna through the Chairman.
10. The Controller of Examination, Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Krishna Kant Singh, Advocate
For the State	:	Ms. Binita Singh, SC-28
For the B.S.E.B.	:	Mr. Ajay, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-12-2024 Heard learned counsels for the parties.

2. The present writ application has been filed for the
following reliefs:-

- “(i) *To hold that the communication of the Board vide its letter dated 25.02.2021 verification enclosing report of the the mark sheet so far as it relates to the petitioner is illegal and fit to be set aside.*
- (ii) *For directing the concerned respondent authorities especially the Bihar School Examination Board, Patna*



(henceforth referred to as Board) to produce the relevant documents with respect Intermediate Certificate to of the the petitioner relating to Roll Code- 165, Roll No.30583, year 1991.

(iii) For further restraining concerned respondent authorities from taking any final decision on the resignation of the petitioner as till date she has not been held guilty in any departmental proceeding or criminal proceeding.

(iv) For directing the concerned respondent authority not to harass the petitioner.

(v) For other necessary relief/reliefs to which the petitioner may be found entitled in the facts of the case.”

3. At the outset, learned counsels appearing on behalf of the respondents raise 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 granted liberty 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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