

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9771 of 2023

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Sanjeet Kumar Son of Ram Udagar Yadav Resident of Village-Kisnipatti,
Ward No.-10, Post-Phulparas, P.S.-Phulparas, District-Madhubani, PIN-
847409.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. The District Education Officer, Darbhanga.
6. The District Programme Officer (Establishment), Darbhanga.
7. The Block Development Officer, Kiratpur, Darbhanga.
8. The Block Panchayati Raj Officer-Cum-Secretary, Block Teachers
Employment Selection Committee, Kiratpur, Darbhanga.
9. The Block Education Officer, Kiratpur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc16)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-12-2024 Petitioner has prayed for the following reliefs :

“For issuance of a writ of certiorari for
quashing of the order bearing memo no.- 77 dated
24.01.2022 passed by District Education Officer,
Darbhanga (respondent no.-5) by which the
selection of the petitioner under BC category for
the post of Block Teacher in Hindi subject for Class
VI to VIII in the 6th Phase of appointment of



Niyojit teachers, has been cancelled only on the ground that after selection of petitioner some people started disturbance and turmoil at the counselling centre upon selection of the petitioner whereas from the order impugned it is self clear that the selection of the petitioner under BC category was made in presence of respondent no.-5 herself on account of the fact that at the time of counselling no one under BC category having higher marks than the petitioner came forward for selection/employment.

(ii) For issuance of a writ of Mandamus directing the respondent authorities to appoint the petitioner on the post of Block Teacher in Hindi subject for Class VI to VIII because till date no any appointment on the post in question has been made and the post is still vacant.”

2. At the outset, learned counsel for the State raises preliminary objection and submits that the petitioner may seek remedy before the District Appellate Authority under section 13 of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015 which reads as follows:-



“13. Power and functions of the District Appellate Authority:-

The District Appellate Authority shall hear and dispose of the complaints / appeals related to employment of Niyojit teachers, librarians and other Niyojit functionaries of Government / Nationalized elementary, secondary and higher secondary schools (including government aided /minority schools). It shall also hear and dispose of the disputes/appeals related to their service conditions. Besides, it shall also hear and dispose of the disputes related to service matter between management and teaching / non-teaching functionaries of non-government and non-aided schools functioning in the state.”

3. Learned counsel for the petitioner does not dispute the above proposition.

4. 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 statutory alternative remedy of appeal before the District Appellate Authority under section 13 of the Bihar



State School Teachers and Employees Disputes Redressal Rules, 2015, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

5. Accordingly, writ petition is disposed of with direction to the petitioner to file an appeal before the Appellate Authority. In the event such appeal is filed within four weeks from today, the same shall be disposed of with a reasoned order in accordance with law after hearing the parties within further eight weeks.

6. It goes without saying that if any question of limitation arises before the 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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