

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9890 of 2023

1. Kumari Pinki Chaudhary W/o Raj Kumar Chaudhary, D/o Ram Babu Chaudhary, Resident at Ward No. 3, Lodipur, P.S.-Goraul, District-Vaishali.
2. Rana Shekhar Kumar Singh, S/o Sachidanand Kumar Singh, Resident of Village-Paharpur, P.O.-Khesrahi, P.S.-Baligaon, District-Vaishali.
3. Md. Shakir Husain, S/o Md. Wakil Ahmad, Resident of Village-Mahmadpur, Gangti, P.O.-Sehan, P.S.-Goraul, District-Vaishali.
4. Rokhsana Khatoon, D/o Abdus Samad, Resident of Village-Muradabad, P.O.-Bhathahi, P.S. Tisiauta, District-Vaishali.
5. Asghari Khatoon, D/o Md. Aenul Haque, Resident of Village-Chauhattha, P.O.-Hajipur, P.S. Nagar Thana, Hajipur, District-Vaishali.
6. Kiran Devi, D/o Mahesh Ram, Resident of Village-Daudpur, P.O.-Mirjanagar, P.S. Mahua, District-Vaishali.
7. Rahmila Khatoon, D/o Md. Fariduddin, Resident of Village-Iman Saray, P.O.-Sahpur Undi, P.S-Patori, District-Samastipur.
8. Vina Devi, D/o Bhola Prasad Rajak, Resident, Village and P.O.-Rasalpur, P.s.-Jandaha, District-Vaishali.
9. Rita Kumari, S/o Shivrul Shah, Resident of Village-Kuari Buzurg, P.O.-Hajipur, P.S.-Ganga Bridge, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
3. The Director (Primary Education) Education Department, State of Bihar, New Secretariat, Patna.
4. The District Magistrate, Vaishali.
5. The District Education Officer, Vaishali.
6. The District Program Officer (Establishment), Vaishali.
7. The Block Development Officer, Jandaha, Vaishali.
8. The Block Education Officer, Jandaha, Vaishali.
9. The President cum Pramukh, Block Employment Committee, Jandaha, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor
For the Respondent/s : Mr.Jitendra Kumar Roy 1 (Sc 13)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH



ORAL ORDER

2 04-12-2024 Heard the parties.

2. This writ petition has been filed for quashing the letter no. 1498 dated 27.05.2023 whereby and whereunder services of the petitioners have been terminated.

3. 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.”

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 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.

6. 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.

7. 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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