

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9053 of 2023

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Anil Kumar Rai Son of Kedar Nath Rai, Resident of Village-Gamahariya,
Post-Tarawan, P.S.-Nasriganj, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Department of Education, Principal Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of Education, Government of Bihar at Patna.
3. Ministry of Human Resource Development through the under Secretary, Department of School Education and Literacy, Government of India, New Delhi.
4. Under Secretary Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, New Delhi.
5. District Magistrate, Rohtas at Sasaram, District-Rohtas (Sasaram).
6. Distirct Programme Officer (Establishment), Rohtas (Sasaram), District-Rohtas (Sasaram).
7. District Education Officer, Rohtas (Sasaram), District-Rohtas (Sasaram).
8. Director, Primary Education, Department of Education, Government of Bihar at Patna.
9. Regional Education Deputy Director, Department of Education Patna Division, Patna.
10. Block Development Officer-cum-Secretary Block Niyojan Samiti, Nasriganj, Rohtas.
11. Block Education Officer, Nasriganj, District-Rohtas (Sasaram).
12. Principal, Middle School, Marojhiyan, Block-Nasriganj, District-Rohtas (Sasaram).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nikhil Singh, Adv.
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw (Gp23) Mr. Arvind Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of respondent/State.

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



“I. That the present writ application is being filed in the nature of Mandamus for the direction to the District Programme Officer (Establishment) Rohtas (Sasaram) to release the salary of the present petitioner which is being stopped since August, 2020 and in spite of taking the service of the petitioner on the post of a Block Teacher posted at Middle School Marojhiyan, Block Nasriganj; on the ground that there is continuous services being taken by the petitioner, the salary is due since last 30 months, there is no other source of livelihood to the petitioner.

II. That the present writ application is being filed in the nature of Mandamus for a direction to District Programme Officer, (Establishment) Rohtas (Sasaram) to decide the representation dated 15.03.2023 (Annexure P/4) to the present writ application at the earliest; on the ground that the petitioner has given his services on the post of teacher and there is no such fault on the part of the petitioner but the salary is not being released.

III. Pass any such other order/ orders as this Hon'ble Court deem fit and proper.”

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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