

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9544 of 2023

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Damini Kumari Wife of Manoj Kumar Singh Resident of Village- Piyarepur,
Post- Chaanp, P.S.- Akhodigola, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Department of Education, Principal Secretary, Government of Bihar at 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. District 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, Turkwaliya, 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. Madhukar Mishra (Ac to Sc 16)
For U.O.I.	:	Mrs. Punal Kumari Singh, CGC

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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 respondents.

2. The present writ petition has been filed for



quashing the memo No. L-967 dated 14.3.2022 issued by the District Programme Officer (Establishment) Rohtas by which the salary of petitioner has been stopped since March, 2022, as she got employment as Block Teacher on the basis of unrecognized degree issued by the Board of Secondary Education, Delhi.

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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