

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9518 of 2024

Dayamuni Kumari Wife of Sri Pintu Kumar Resident of Village- Gharbair,
P.O.- Darigaon, P.S.- Darigaon (Sasaram), District- Rohtas, Posted at Primary
School, Badiladih, Block - Karakat, Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The District Education Officer, Rohtas.
3. The District Programme Officer (Establishment), Rohtas.
4. The Block Development Officer, Karakat, P.O. and P.S.- Karakat, District- Rohtas.
5. The Block Education Officer, Karakat, P.O. and P.S.- Karakat, District- Rohtas.
6. The Headmaster, Primary School, Badiladih, Block- Karakat, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Bipin Bihari Singh, Advocate Ms. Shyama Kant Singh, Advocate
For the State	:	Mr. Kumar Manish, SC-5 Mr. Madan Mohan, AC to SC-5

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-12-2024 Heard learned counsels for the parties.

2. The present writ application has been filed for commanding the respondents to put signature on the attendance register and allow this petitioner to perform duties and further for payment of salary from December, 2021.

3. At the outset, learned counsel appearing on behalf of the State raises 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 directed 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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