

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10274 of 2023

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Chandan Kumar Paswan S/o Panna Lal Paswan, R/o Vill. Ward No. 22,
Makhan Tola, Simri Bakhtiyarpur, Bakhtiyarpur, Dist. Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary Cum Commissioner,
Department of Education, State of Bihar, Patna.
2. The Director (Primary Education), Education Department, State of Bihar,
New Secretariat, Patna.
3. The District Magistrate, Saharsa.
4. The District Education Officer, Saharsa.
5. The District Program Officer, (Establishment), Saharsa.
6. The Block Development officer, Sattar Kattaiya, Distt Saharsa.
7. The Block Education Officer, Sattar Kattaiya, Distt-Saharsa.
8. The Block Panchayati Raj Officer, Sattar Kattaiya, Distt Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr.Kameshwar Kumar (Gp 17)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2024 Petitioner has prayed for the following reliefs :

“i) To direct the respondent authority to pay the
salary of the petitioner since February 2023 to till
date.

ii) To further direct the respondent authority not to
disturbed the petitioner discharging her duty as a
Block Teacher in Middle School, Bela Bagrauli,
Block Kattaiya, Dist. Saharsa.”

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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