

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9878 of 2023

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Ravindra Kumar Son of Gopal Prasad Sinha, Resident of Village-Murar, P.S.- Murar, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department. Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Buxar.
5. The Secretary, Panchayat Teacher Employment Cell, Gram Panchayat Murar, Block-Chaugoi, District - Buxar

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-12-2024 Petitioner has prayed for the following reliefs :

i) For setting aside the Office Order contained in Memo No. 04 dated 26-05-2023 passed by the Secretary, Panchayat Teacher Employment Cell, Gram Panchayat Murar, Block Chaugoi, District Buxar whereby and where under petitioner has been dismissed from service in view of direction issued vide Memo No. 314/Buxar dated 27-03-2023 passed by the District Education Officer, Buxar in terms of Letter No. 12 dated 05-



01- 2023 issued by the Director, Primary Education, Bihar, Patna on the ground of not passing the training exam till 19-10-2022 inspite of the fact that the petitioner duly appeared in the said exam well within the time but till date result of petitioner has been kept pending.

ii.) For a direction upon the concerned respondent authorities either to declare the result of the petitioner or grant one another opportunity to appear in the said exam.”

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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