

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10449 of 2023

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Sushila Mahto W/o Dinesh Kumar Mahto R/o Vilage Ward No.2, Patori,
Pachgachiya, P.S. Sattar Kattaia, Dist. Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Cum Commissioner,
Department of Education, Govt. of Bihar, Patna.
2. The Director (Primary Education), Education Department, Govt. of Bihar,
New Secretariat, Patna.
3. The District Magistrate, Saharsa.
4. The Distirct 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
For the Respondent/s : Mr. Prabhakar Jha (Gp27)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for the following
relief(s):-

“(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
disturb the petitioner from discharging her duty as a Block
Teacher in Kanya Middle School, Sevashram Patori, Block
Sattar Kattaiya, Dist.- Saharsa.



And/or any other appropriate relief(s) to the petitioner for which they may be found entitle under the facts and circumstances of the case.”

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)

Ranjeet/-

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