

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12283 of 2023**

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Anand Abhishek Son of Buddho Prasad, Resident of Village Bhelwa, Police Station Saharsa, District - Saharsa.

... .. 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, Bihar, Patna.
3. The Director Primary Education, Government of Bihar, Patna.
4. The Regional Director, National Institute of Open Schooling (NIOS), Patna.
5. The Regional Deputy Director Education, Koshi Division Saharsa.
6. The District Magistrate, Supaul.
7. The District Education Officer, Supaul.
8. The District Program Officer (Establishment), Supaul.
9. The Block Development Officer, Supaul, District Supaul.
10. The Coordinator National Institute of Open Schooling (NIOS) (D.El.Ed), Study Centre Code 471006002, Supaul Senior Secondary School Supaul.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner | : | Mr. Satish Kumar Singh, Advocate  |
| For the State      | : | Mr. Subhash Chandra Mishra, SC-16 |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      10-12-2024                      Heard learned counsels for the parties.

2. The present writ application has been filed for commanding the respondents to make corrections in the mark-sheet of the petitioner by amending the result card of D.El.Ed. Examination (Sessions 2017-19) conducted by the National Institute of Open Schooling (N.I.O.S.), Patna. Further prayer has been made for setting aside the order dated 25.02.2023 as contained in Memo No. 449 Supaul issued by the District



Programme Officer (Establishment), Supaul (Respondent No. 8) whereby and whereunder the services of the petitioner from the post of Panchayat Teacher at Primary School, Koyali Basantpur has been terminated and further prayer has been made for reinstatement of the petitioner.

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 granted liberty 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)**

shashank/-

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