

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11594 of 2023

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1. Deepak Kumar Son of Kishori Rout, Resident of Village- Sirhulli, Police Station- Kamtaul, District- Darbhanga.
 2. Vijay Kumar Son of Sukhdeo Mandal, Resident of Village- Marar Uttari, Ward No. 15, Near High School, P.S.- Morkhi, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Deputy Development Commissioner cum Executive Officer, Zila Parishad, Niyojan Unit, Darbhanga.
5. The Chairman, Zila Parishad, Darbhanga.
6. The Chief Executive Officer, Zila Parishad Teacher Niyojan Unit, Darbhanga.
7. The District Programme Officer (Establishment) cum Member Niyojan Unit, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Jitendra Kr. Roy 1, SC-13

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-12-2024 Heard learned counsel for the parties.

2. The present writ application has been filed for commanding the respondents to issue appointment letters to the petitioners as Secondary Teacher in Social Science subject in the district of Darbhanga in E.B.C. category.

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 petitioners 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 petitioners have 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, petitioners are directed to file an application before the District Appellate Authority in accordance with law.

6. In the event, such application is filed by the petitioners, 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 petitioners were pursuing the issue before this Court under
Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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