

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10815 of 2023

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Rupa Rani W/o Sri Keshow Bhushan Prasad, Acting Hedmistress, Sri Guru Govind Singh Middle School, P.O.- Jahuganj, P.S.- Chowk, Patna- 800008, resident of Tarini Prasad Land (Ghasiyari Gali), P.O.- Jahuganj, P.S.- Khajekala, Patna-800008.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director (Primary Education), Human Resources Development Department, Government of Bihar, Patna.
3. The District Education Officer, Patna.
4. The District Program Officer, Patna.
5. The Managing Committee, Sri Guru Govind Singh Middle School, Bare ki Gali, Patna Saheb, Patna City, Patna through its Secretary.
6. Smt. Navneet Kaur, W/o Sri Balbir Singh, Flat No. 307, Dhillon Apartment, Chamdoriya, Patna City, P.O. Jahuganj, P.S. Chowk, Patna-800008.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ankit Katriar, Advocate
For the State	:	Ms. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. The present writ application has been filed for issuance of a direction upon the respondents restraining them from allowing the private Respondent No. 6 (mt.e Navneet Kaur) from taking over as the Principal of Sri Guru Gobind Singh Middle School, Bare ki Gali, Patna Saheb.

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)

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