

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11747 of 2023

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Raj Kumar Son of Lalan Sah, Resident of Village- Sahar, P.S.- Sahar, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The District Education Officer, Bhojpur at Ara.
5. The District Programme Officer (Establishment), Bhojpur at Ara.
6. The Block Pramukh, Sahar Block, Bhojpur at Ara cum President, Sahar Block, District- Bhojpur at Ara.
7. The Block Development Officer, Sahar Block, Sahar, District- Bhojpur at Ara cum Secretary Block Employment Unit Sahar, Bhojpur at Ara.
8. The Block Education Officer, Sahar, Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Shantam Shivam, Advocate
For the State	:	Ms. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. The present writ application has been filed for commanding the respondents to appoint the petitioner as Elementary Teacher under Elementary Teacher Appointment-2019-2021 allowing the petitioner to appear for counselling.

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)

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