

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11181 of 2023

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Shobha Kumari daughter of Sri Bhakti Prasad, resident of Village-
Mustafapur, P.S. Rahui, Dist. - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Education, Bihar, Patna.
2. The Director Primary Education, Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. The District Education Officer, Sheikhpura.
5. The District Programme Officer (Establishment), Sheikhpura.
6. The District Panchayati Raj Officer, Sheikhpura.
7. The Block Education Officer, Sheikhpura.
8. The Panchayat Secretary, Gram Panchayat, Katari, Sheikhpura.
9. The Head Master, Primary School, Dhadi Tola, Murarpur, District - Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Devendra Prasad Singh, Advocate
For the State	:	Mr. Jitendra Kr. Roy 1, SC-13

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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 quashing the order contained in Memo No. 1762/Sheikhpura dated 28.11.2022 issued by the District Programme Officer (Establishment), Sheikhpura whereby directions have been issued to initiate departmental proceeding against the petitioner and terminate his services and further Head Master of the concerned school has been directed not to take duty from the petitioner, pursuant to which, services of the petitioner has been terminated



by the Panchayat Selection Unit, Gram Panchayat Katari vide Letter No. 23 dated 06.12.2022 (Annexure-P/13 to I.A. No. 1 of 2023) and thereafter the Head Master of the school, vide Letter No. 18 dated 22.08.2023 (Annexure-P/14 to I.A. No. 1 of 2023) has informed the same to this 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 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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