

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11905 of 2023

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Sudha Pandey Wife of Arunendra Pandey, Resident of Village-Babhnauli,
P.S.-Govindganj, Block-Areraj, District-East Champaran.

... .. 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, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, East Champaran.
5. The District Programme Officer (Establishment), East Champaran.
6. The Block Development Officer, Areraj, East Champaran.
7. The Block Education Officer, Areraj, East Champaran.
8. The Bihar Sanskrit Shiksha Board, Patna through the Chairman.
9. The Controller of Examination, Bihar Sanskrit Shiksha Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Respondent/s : Mr.Jitendra Kumar Roy 1 (Sc 13)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-12-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of respondent/State.

2. By way of filing *I.A. No. 1 of 2024*, the petitioner has prayed for setting aside the order, as contained in Memo No. 560 dated 28.12.2023, passed under the signature of Secretary, Block Teach Employment Unit-cum-Block Development Officer, Areraj, East Champaran by which the petitioner has been terminated from the post of Block Teacher on the direction of the District Programme Officer, Establishment dated



19.12.2023 only on the ground that F.I.R. has been instituted against this petitioner. Besides other prayers, made in the writ petition.

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that the petitioner has got alternative remedy of filing appeal before the District Appellate Authority under Rule 13 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules, 2020), which deals with *the power and functions of the District Appellate Authority*.

4. Learned counsel for the petitioner does not dispute the above proposition.

5. A Full Bench of this High Court, in the case of *Dinesh Prasad Mandal vs. State of Bihar*, reported in **1984 PLJR 1002**, has held that the writ court is not the remedy of the first instance where others exist. It is the remedy of last resort. If the legislature, in its wisdom, provides an extensive machinery for settlement and adjudication, it is not for the High Courts to override and nullify that mandate. Since, the petitioner has got statutory alternative remedy of filing appeal 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.

6. Accordingly, writ petition is disposed of with direction to the petitioner to file an appeal before the concerned District Appellate Authority. In the event, such appeal is filed within six weeks from today, the same shall be disposed of by a reasoned order in accordance with law after hearing the parties.

7. Needless to state here that the issue of limitation, if any, arises, the same may be considered as the petitioner was pursuing the matter before this Court.

8. With above observation & direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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