

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10926 of 2023

Nitu Kumari @ Nitu Devi Wife of Gopal Kumar Paswan, Daughter of Niranjana Kumar Paswan, Resident of Village-Sarda Nagar Bus Stand, P.S.-Simraha, District-Purnea, at present Panchayat Teacher in Primary School Chauri Tola, Gram Panchayat Aurahi West Block and P.S.-Forbesganj, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Education Department, Govt. of Bihar, Patna.
2. The Director Primary Education, Govt. of Bihar, Patna.
3. The District Education Officer, Araria, District-Araria.
4. The District Programme Officer (Establishment), District-Araria.
5. The Block Education Officer, Forbesganj, District-Araria.
6. The Panchayat Secretary cum Secretary Panchayat Appointment Committee, Gram Panchayat Raj, Aurahi West Block and P.S.-Forbesganj, District-Araria.
7. The Mukhiya cum Chairman Panchayat Appointment Committee, Gram Panchayat Raj, Aurahi West Block and P.S.-Forbesganj, District-Araria.

... .. Respondent/s

Appearance :

For the Petitioner	:	Md. Ziaul Quamar, Advocate
For the State	:	Mr. Madhukar Mishra, AC to SC-16

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 dated 26.06.2023 passed by the Panchayat Secretary-cum-Secretary, Panchayat Appointment Committee, Gram Panchayat Raj Aurahi West, Block+P.S.- Farbesganj, District-Araria whereby appointment of the petitioner has been cancelled.

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)

shashank/-

U			
---	--	--	--

