

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10568 of 2023

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Sunita Paul Wife of- Late Mahesh Prasad, Resident of village- Vidyapati Simri, P.S.- Dalsinghsarai, District- Samastipur, at present Sunita Paul, Aradhna Ghar Campus, Magardahi Barah Patthar, P.S. Town, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director (Primary Education), Bihar, Patna.
4. The District Magistrate, Begusarai.
5. The District Education Officer, Begusarai.
6. The District Programme Officer (Establishment), Education Department, Begusarai.
7. The Block Development Officer, Bachhwara, District- Begusarai.
8. The Block Education Officer, Bachhwara, District- Begusarai.
9. The Member Secretary, Block Teacher Niyojan Unit-cum-Block Panchayat Raj Officer, Bachhwara, Begusarai.
10. The Panchayat Secretary, Gram Panchayat Raj, Chiranjivipur, Block Bachhwara, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Hussamuddin Azad

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 05-12-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for quashing of the order bearing letter no. 10/NIYO dated 13.05.2023, issued by the Member Secretary, Block Teacher Niyojan Unit-cum-Block Panchayat Raj Officer, Bachhwara, whereby and whereunder the



petitioner has been dismissed from the post of Prakhanda Teacher, as the petitioner being the untrained teacher, who did not get the training Certificate on the last date 19.10.2022 as per the Government guidelines. Since, the petitioner was appointed to the post of Panchayat Sikshak on 30.12.2010 and dismissed from the service on 26.12.2013. Thereafter the petitioner filed a case bearing appeal case No.- 04/2014 in 2014 before the District Appellate Authority, Begusarai, by which order dated 31.03.2017 the petitioner has been reinstated in service on 15.02.2018. As thus the petitioner could not take admission in Diploma in Elementary Education as per the Government guidelines. After reinstatement the service of the petitioner, the admission process was closed.

(ii) For issuance of a direction commanding the respondents to grant all the consequential benefits to the petitioner from the date of her reinstatement in service dated 15.02.2018 treating her as regular employee.

(iii) For any other relief/reliefs to which the petitioner is found legally entitled for the meet of justice.”

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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