

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11052 of 2023

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Mohan Prasad Sah Son of Late Yogendar Sah, resident of Village - Phenhara,
P.O. and P.S.- Phenhara, District - East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, East Champaran.
4. The District Programme Officer (Establishment), East Champaran.
5. The Block Education Officer, Phenhara Block, District East Champaran.
6. The Panchayat Secretary-cum-Member Secretary, Gram Panchayat Raj, Phenhara, Anchal and P.S. - Phenhara, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Bipin Bihari Singh, Advocate
For the State	:	Mr. Madhaw Pd. Yadaw, GP-23

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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 directing the respondents to substitute the work “reinstatement” in place of “re-appointment” referred in Memo No. 41 dated 08.03.2019 and provide continuous service, payment of salary for the intervening period and restoration of the services of the petitioner as it was earlier, in view of the certification of his certificates and decision in this regard by the Hon’ble Lokayukta.

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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