

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11771 of 2023

Sweta Kumari Wife of Vinay Kumar Vibhor Resident of Village and Post
Chak Sikandar, P.S. Bidupur, District- Hajipur, Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Primary Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Hajipur, Vaishali.
4. The District Education Officer, Hajipur, Vaishali.
5. The District Programme Officer, Establishment, Hajipur, Vaishali.
6. The Block Education Officer, Patepur, District Hajipur, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

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. This writ petition has been filed for a direction to the concerned respondent not to depute petitioner to far-flung and remote school, rather to transfer or depute within Bidupur Block where her husband is also a school teacher which are within the control of District Education Officer, Hajipur, Vaishali (Respondent no. 3).

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. It is settled law that where a right or liability is created by a statute which gives a special remedy for enforcing it, the remedy provided by the statute alone must be availed of. 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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