

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11611 of 2023

=====

Raju Kumar Das Son of Debendra Nath Das @ Devendra Nath Das, Resident of village- Sihagaon ward no. - 14, P.S. - Belrampur, District- Katihar. At present Municipal (Nagar) teacher in Kanya Middle School Araria R.S, P.S. - Araria R.S, 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. Municipal Executive Officer cum Member Secretary, Municipal (nagar) teacher's appointment Committee Municipality-Araria, District - Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Md. Ziaul Quamar, Advocate
For the State	:	Mr. Jai Prabhat Kishore, AC to SC-13
For the Nagar Parishad	:	Mr. Sanjay Kumar Sharma, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-12-2024 Heard learned counsel for the parties.

2. The present writ application has been filed for setting aside the order dated 12.07.2023 as contained in Letter No. 1 passed by the Municipal Executive Officer-cum-Member Secretary, Municipal (Nagar) Teachers Appointment Committee, Municipality- Araria (Respondent No. 5) whereby the appointment of the petitioner has been cancelled.

3. At the outset, learned counsels appearing on behalf of the respondents raise 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 granted liberty 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			
---	--	--	--

