

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12955 of 2023

Meera Kumari Daughter of Dinanath Sharma, Wife of Surendra Kumar
Resident of Village and P.O.- Chavrahi, P.S.- Piro, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The District Education Officer, Bhojpur at Ara.
4. The District Programme Officer/Establishment, Bhojpur at Ara.
5. The Block Development Officer (B.D.O.), Piro, District- Bhojpur at Ara.
6. The Block Education Officer, Block- Piro, Bhojpur at Ara.
7. The Panchayat Secretary, Panchayat Jamnaon, Block- Piro, District- Bhojpur.
8. The Sangeeta Kumari, Teacher, Primary School, Harizen Toli, Block Jamnaon, Block- Piro, District- Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Malti Kumari
For the Respondent/s : Mr.Prabhakar Jha (Gp 27)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
counsel for the respondent/State.

2. This writ petition has been filed for following
reliefs:-

“i) That the writ in the nature of Certiorari be issued for setting aside the illegal, improper incorrect and unconstitutional order dated 25-03-2019 passed in case No. 07/2018 by the District Teachers Appellate Authority Bhojpur (Ara) Contained in Annexure 5 Where by and where under the case of the petitioner has been rejected without considering the substantial questions of law and grounds raised before him.



(ii) That the Respondents be directed to appoint that petitioner on the post of Primary Teacher place on of Private Respondent No. 8 because the certificate of Intermediate, Respondent No. Institution, which of 8 is the of Private a fake is not present in the list of valid institutes of India or Bihar.

(iii) That the Respondents be also directed to pay the error salaries to the petitioner, from the date of fake appointment of Private Respondent No.8, whose inter degree is fake and is of fake institute.

(iv) That the Respondents directed to appoint this be also petitioner with full arrears, current consequential benefits. and

(v) That any other relief or reliefs may kindly be granted in favour of the petitioner as it may be deemed fit and proper to the facts and circumstances of this case.

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that writ petition has been filed against the order of District Appellate Authority, for which petitioner has got alternative statutory remedy to file appeal before the State Appellate Authority under Rule 14(c) of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules 2020”), which reads as follows:

“14 (c) The Authority shall hear the appeal



against the decisions of District Appellate Authority.”

4. Since the petitioner has got statutory alternative remedy to move before the State Appellate Authority under Rule 14(c) of the Rules 2020, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction and directs the petitioner to seek remedy before the State Appellate Authority.

5. 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.

6. With above observation and direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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