

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11609 of 2023

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Sheela Kumari W/O Bidya Sharma, Resident of village -Bankata Jagirdari,
P.O. and P.S. Bhore, District - Gopalganj.

... .. 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 Magistrate, Gopalganj.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.
6. The Mukhiya, Gram Panchayat Raj Bankata Jagirdari, P.O. and P.S.-Bhore, District - Gopalganj.
7. The Panchayat Secretary, Gram Panchayat Raj Bankata Jagirdari, P.O. and P.S.- Bhore, District - Gopalganj.

... .. Respondent/s

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Appearance :

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

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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 01.02.2021 as contained in Memo No. 200 passed by the District Magistrate, Gopalganj (Respondent No. 3) whereby the representation filed by the petitioner pursuant to the order dated 30.11.2018 passed by this Hon'ble Court in C.W.J.C. No. 17587 of 2016 has been dismissed.

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 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)

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