

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12048 of 2023**

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Ramesh Prasad Son of Sri Vishwanath Prasad Resident of Village- Kesariya Chainpur, Nagar Panchayat Kesariya, P.O. and P.S. and Block- Kesariya, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, New Secretariat, Patna.
4. The District Education Officer, East Champaran at Motihari.
5. The District Programme Officer (Establishment), East Champaran at Motihari.
6. The Block Development Officer, Kesariya, District- East Champaran.
7. The Block Education Officer, Kesariya, District- East Champaran.
8. The Mukhiya, Gram Panchayat Raj Kadhan, Block- Kesariya, Distt.- East Champaran.
9. The Panchayat Secretary, Gram Panchayat Raj Kadhan, Block- Kesariya, Distt.- East Champaran.
10. The Head Master, Navin Rajkiya, Primary School, Kadhan Ahir Toli, Ward No.- 10, Block- Kesariya, Distt.- East Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate  
For the Respondent/s : Mr. Madan Jeet Kumar ( Gp 20 )

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      09-12-2024                      Heard the parties.

2. This writ application has been filed for quashing the order dated 12.07.2023 contained in letter no. - 19 dt 12.07.2023 issued under the signature as well as authority of the Panchayat Secretary cum- Secretary Panchayat Niyojan



committee , Gram Panchayat Raj Karhan under Kesariya Block,  
Whereby and where under petitioner has been terminated from  
the post of Panchayat teacher.

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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