

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13342 of 2023

1. Amrendra Kumar S/o Rajendra Sahani, R/o Village - Pahetiya, P.O. - Dharhara, P.S - Hajipur Sadar District Vaishali working as Panchayat Teacher, Govt. Primary School, Pahetiya West Block - Hajipur East, District - Vaishali.
2. Sudha Kumari D/o Shyam Nandan Kumar, W/o Manindra Kumar Thakur, R/o Village and Post - Taiyabpur Via Mahnar, P.S. - Deshri District Vaishali working as Panchayat Teacher, Govt. Primary School, Taiyabpur, Kharjamma Block - Sahdei Bujurg, District - Vaishali.
3. Seema Kumari, W/o Ranjit Kumar, R/o Village and P.O.- Nayaganj, P.S - Desari, District - Vaishali working as Prakhand Teacher, Govt. Middle School, Nayaganj Block - Sahdei Bujurg District - Vaishali.
4. Anjana Kumari, D/o Laxami Kant Sahani, R/o Village - Nagwan P.O. - Chakbaje P.S. Kudhani District - Muzaffarpur working as Prakhand Teacher, Elevated Middle School, Talrohua Block - Patedhi Belsar, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Education Department, Bihar Patna.
2. The District Magistrate, Vaishali.
3. The District Education Officer, Vaishali.
4. The District Panchayati Raj Officer, Vaishali.
5. The District Program Officer, Establishment, Vaishali.
6. The Block Education Officer, Hajipur East, District - Vaishali.
7. The Block Education Officer, Sahdei Bujurg, District - Vaishali.
8. The Block Education Officer, Patedhi Belsar, District - Vaishali.

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Manoj Kumar Manoj, Advocate
For the State : Mr. Kameshwar Kumar, GP-17

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2024 Heard learned counsels for the parties.

2. The present writ application has been filed for commanding the respondents for make payment of salary to the petitioners by making fixation of their salary from the date of



completion of three years of services of petitioners, respectively, by treating that the petitioners had passed the Teacher Suitability Test in the 1st attempt and the benefit is to be accorded in light of Clause-4(i) of Notification dated 08.09.2015 (Annexure-4 to the instant writ application) in place of the fact that the petitioners had qualified their Teacher Stability Test in the 2nd attempt.

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 petitioners 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 petitioners have 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, petitioners are 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 petitioners, 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 petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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