

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12091 of 2023

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Anjani Kumari @ Anjani Mishra daughter of Jamadar Mishra, Wife of Babukant Mishra @ Babu Kant Mishra, resident of Village - Pokhar Bhinda, P.S.- Mahishi, District - Saharsa.

... .. Petitioner/s

Versus

- 1 . The State of Bihar Bihar
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
- 3 . The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Saharsa.
- 5 . The District Education Officer, Saharsa.
6. The District Programme Officer, Establishment, Saharsa.
7. The Block Development Officer, Mahishi, District - Saharsa.
- 8 . The Block Education Officer, Mahishi, District - Saharsa.
9. The Headmaster, Upgraded Middle School, Pokhar Bhinda, P.S.- Mahishi, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Advocate Mr. Rohit Kumar , Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar (Gp 17)

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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 to direct the respondent authorities to allow the petitioner to discharge her duties on the post of Pnachayat Shikshak / Prakhand shikshak on which she was posted at Upgraded Middle School, Pokhar Bhinda, under Mahishi block in the district of Saharsa forthwith, with all consequential benefits.



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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