

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12198 of 2023

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Pankaj Kumar Thakur S/o Xavier Peter, R/o Christian Quarter, Mettiah, West Champaran, Bihar- 845438. Presently posted at Block Teacher in Govt. Elevated Middle School, Tunia, Block- Champatia, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Govt. of Bihar, Patna.
2. The Director Primary Education, Patna.
3. The District Magistrate, District West Champaran.
4. The District Programme Officer (Establishment), at Bettiah, District- West Champaran.
5. The Block Development Officer, Chanpatia, District- West Champaran.
6. The Block Education Officer, Block Chanpatia, District- West Champaran.
7. The Head Master of Government Elevated Middle School, Tunia, Block- Chanpatia, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri
For the Respondent/s : Mr.Kameshwar Kumar (Gp 17)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-12-2024 This writ petition has been filed for directing the state respondents to treat the petitioner as a trained teacher on the ground that he had appeared in DLED (teachers training examination) in the academic session 2013-15 and in one paper he was shown to have failed, all though he had filled up the form the of failed paper but the examination of the same could not be held in time and further prayer of the petitioner is to restrain the state respondents to take any step prejudicial to the monetary benefits including the service condition of the



petitioner.

2. At the outset, learned counsel for the State raises preliminary objection and submits that the petitioner may seek remedy before the District Appellate Authority under section 13 of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015 which reads as follows:-

“13. Power and functions of the District Appellate Authority:-

The District Appellate Authority shall hear and dispose of the complaints / appeals related to employment of Niyojit teachers, librarians and other Niyojit functionaries of Government / Nationalized elementary, secondary and higher secondary schools (including government aided /minority schools). It shall also hear and dispose of the disputes/appeals related to their service conditions. Besides, it shall also hear and dispose of the disputes related to service matter between management and teaching / non-teaching functionaries of non-government and non-aided schools functioning in the state.”

3. Learned counsel for the petitioner does not dispute the



above proposition.

4. It is settled law that where a right or liability is created by a statute which gives a special remedy for enforcing it, the remedy provided by the statute alone must be availed of. Since, the petitioner has statutory alternative remedy of appeal before the District Appellate Authority under section 13 of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

5. Accordingly, writ petition is disposed of with direction to the petitioner to file an appeal before the Appellate Authority. In the event such appeal is filed within four weeks from today, the same shall be disposed of with a reasoned order in accordance with law after hearing the parties within further eight weeks.

6. It goes without saying that if any question of limitation arises before the 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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