

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12221 of 2023

1. Rina Kumari Wife of Sri rajesh Chaudahry Resident of Village and P.O.- Balua, P.S.- Runni Saidpur, District-Sitamarhi.
2. Dejee Kumari Wife of Sri Abhay Kumar Lal Resident of Village and P.O.- Pitaujhiya, P.S.-Hathaudi, District-Muzaffarpur.
3. Awadhesh Kumar Son of Sri Kishori Sah Resident of Village-Giddha Fulwariya, P.O.-Subaigarh, P.s.-Runni Saidpur, District-Sitamarhi
4. Manoj Kumar Son of Sri Shashi Prasad Yadav Resident of Village-Sugri Dih, P.O.-Chak Shambhu, P.S.-Runni Saidpur, District-Sitamarhi.
5. Tinku Kumar Rai Son of Sri Abhiram Rai Resident of Village-Sahila Baijnath, P.O.-Sahila Valli, P.S.-Hathaudi, District-Muzaffarpur.
6. Jyotish Kumar Son of Sri Arun Kumar Patel Resident of Village-Mithansarai, P.O.-Mustafapur, P.S.-Ahiyapur, District-Muzaffarpur.
7. Purushottam Kumar Son of Sri Raja Ram Ray Resident of Village-and P.O.- Narwara, P.S.-Tariyarni, District-Sheohar.
8. Hari Nandan Kumar @ Harinandan Kumar Son of Sri Mahendra Prasad Resident of Village-Darmpur, P.O.-Irka Manshahi, P.S.-Siwaipatti, District-Muzaffarpur.
9. Sima Kumari Wife of Sri Vijay Paswan Resident of Village and P.O.- Shahpur Maricha, P.S.-Majiyari, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The District Education Officer, Muzaffarpur.
3. The District Programme Officer (Establishment), Muzaffarpur.
4. The Block Development Officer, Minapur, P.O. and P.S.-Minapur, District-Muzaffarpur
5. The Block Education Officer, Minapur, P.O. and P.S.-Minapur, District-Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-12-2024

The present writ petition has been filed for
commanding and directing the concern authorities regarding



payment of wages/salary from joining i.e., from May, 2015 to till date to Petitioner No. 1 to 7, from June, 2016 to till date to Petitioner No. 8 and from January, 2016 to till date to Petitioner No. 9 for their continuous works against the respective post, which remains unpaid arbitrarily and unreasonably even ignoring the different orders/ communications passed by authorities themselves not to withhold the due payment as well as the rights of individuals under Article 23 of Constitution of India and for the payment of interest on delayed payments in addition to litigating cost also for unnecessary harassment and for the other necessary relief/ relief's on the basis of the facts and circumstances of the case as stated hereinafter.

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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