

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12229 of 2023

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Parashnath Gupta Son of Sri Doman Sao, Resident of Mohalla- Baiganabad,
P.S. and P.O.- Biharsharif, District- Nalanda. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The District Magistrate, Nalanda at Biharsharif.
6. The District Education Officer, Nalanda at Biharsharif.
7. The District Programme Officer, (Establishment), Nalanda at Biharsharif.
8. The District Panchayat Raj Officer cum Member Secretary, Niyojan Unit cum Executive Officer, Hilsa, Nalanda.
9. The Block Development Officer, Hilsa, Dist- Nalanda.
10. The Block Panchayat Raj Officer, Hilsa, Dist- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-12-2024 Present writ petition has been filed for commanding the Respondents Authorities to consider the case of the Petitioner to be appointed on the post of Block teacher, Social Science, Class 6-8, against vacancy still available at roaster point number 254 (Extremely Backward Category) within Hilsa Block, District Nalanda after taking counseling of the Petitioner which was deliberately avoided and denied on the date fixed by the authority i.e. 07.08.2021.

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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