

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13486 of 2023**

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Punam Kumari @ Poonam Kumari D/o Sri Niwas Paswan R/v- Upari, P.S-  
Ramgarh, Distt.- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Govt of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Govt of Bihar, Patna.
4. The District Magistrate, Kaimur (Bhabua).
5. The District Education Officer, Kaimur (Bhabua).
6. The District Programme Officer (Establishment), Kaimur (Bhabua).
7. The Block Education Officer, Ahiwas, Block- Ramgarh, Kaimur.
8. The Block Development Officer- cum- Secretary, Block- Ramgarh, Kaimur.
9. The Panchayat Secretary, Gram Panchayat, Unit Ahiwas, Block Ramgarh, Kaimur.
10. The Mukhiya, Gram Panchayat, Unit- Ahiwas, Block- Ramgarh, Kaimur.
11. The District Teacher Appointment Appellate Authority, through its Secretary, Kaimur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate  
For the Respondent/s : Mr.Madhaw Prasad Yadaw (GP- 23 )

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      11-12-2024                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of respondent/State.

2. This writ application has been filed for quashing  
the memo No. 1567 dated 14.09.2021 passed by the District  
Programme Officer (Establishment), Kaimur whereby he  
directed the Panchayat Secretary-cum-Member Secretary,



Panchayat Employment Unit, Ahiwas as well as Block Development Officer, Ramgarh-cum-Member Secretary, Block Employment Unit, Ramgarh to remove the petitioner in accordance with procedure and also directed them to file an appeal before the State Appellate Authority against the order passed by the District Appellate Authority dated 21.12.2015 in Case No. 79 of 2015 and for direction to pay the salary of the petitioner since 28.01.2016.

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that the petitioner has got alternative remedy of filing appeal before the District Appellate Authority under Rule 13 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules, 2020), which deals with *the power and functions of the District Appellate Authority*.

4. Learned counsel for the petitioner does not dispute the above proposition.

5. A Full Bench of this Court, in the case of *Dinesh Prasad vs. State of Bihar*, reported in **1984 PLJR 1002**, has held that the Writ Court is not the remedy of the first instance where others exist. It is the remedy of last resort. If the



legislature, in its wisdom, provides an extensive machinery for settlement and adjudication, it is not for the High Courts to override and nullify that mandate. Since, the petitioner has got statutory alternative remedy of filing appeal before the District Appellate Authority under Rule 13 of the Rules, 2020, this Court is not inclined to interfere in the matter in its extraordinary writ jurisdiction.

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

7. Needless to state here that the issue of limitation, if any, arises, the same may be considered as the petitioner was pursuing the matter before this Court.

8. With above observation & direction, the writ petition stands disposed of.

**(Prabhat Kumar Singh, J)**

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