

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13129 of 2023

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Ranjan Kumar Gupta son of Ganga Sah, Resident of Village-Karn Kudariya, P.S.-Mashrakh, District-Saran at Chapra, then posted as Assistant Teacher, Primary School, Karn Kudariya Uttar Tola, P.S.-Mashrakh, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary HRD, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
5. The District Magistrate, Saran at Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer (Establishment), Saran at Chapra.
8. The Block Education Officer, Mashrakh, Saran at Chapra.
9. The Headmaster, Primary School Karn Kudariya Uttar Tola, Block-Mashrakh, District-Saran at Chapra.
10. The Panchayat Secretary, Gram Panchayat Raj, Karn Kudariya, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Ram Binod Singh, Advocate
For the State : Ms. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2024 Heard learned counsels for the parties.

2. The present writ application has been filed for quashing Memo No. 26 dated 06.12.2019 issued by the Panchayat Teacher Selection Unit, Gram Panchayat Raj, Karn Kundariya, Block- Mashrakh, District- Saran at Chapra whereby a show cause notice has been served upon the petitioner and further for quashing Memo No. 58 dated 15.04.2021 issued by



the Panchayat Teacher Selection Unit, Gram Panchayat Raj, Karn Kundariya, Block- Mashrakh, District- Saran at Chapra whereby services of the petitioner as a Panchayat Teacher has been terminated.

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 granted liberty 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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