

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12867 of 2023

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Rani Kumari Wife of Kanhay Ram, Resident of Village - Murarpur, Katari,
Block and P.S.- Katari, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. The District Education Officer, Sheikhpura.
5. The District Programme Officer (Establishment), Sheikhpura.
6. The Block Development Officer-cum-Secretary, Block Selection Samiti, Ghatkusumbha, District- Sheikhpura.
7. The Block Education Officer, Ghatkusumbha, District- Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mrs. Binita Singh (Sc28)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. This writ petition has been filed for following reliefs:-

That this is an application for issuance of appropriate writ/writs, order/orders, direction/directions preferably in the nature of mandamus, commanding and directing the Respondent Authority concerned not to disturb the petitioner from discharging her duties as Block Teacher, Middle School, Dihkusumbha, District- Sheikhpura in pursuant to notice/letter No. 97 dated 07.07.2023 issued by the Block Development Officer cum Selection Unit (Respondent No.6) in pursuant to Letter No. 679 dated 20.04.2023 issued by the District Programme Officer, Establishment, Sheikhpura and further to make payment of salary to the petitioner due since March 2023 till date, which



has illegally been withheld by the Respondent on account of not completing the required training course till 19.10.2022; whereas the petitioner has already completed/ passed the required training course of D.El.Ed. on 30.01.2023 well within 6 years of her appointment and the same has already been submitted before the Authority concerned; despite that, the Block Development Officer- cum-Secretary, Block Selection Samiti, Ghatkusumbha, District- Sheikhpura (Respondent No.6) continuously issuing one after another letter directing the petitioner to ensure submission of evidence of passing her training course otherwise her service will be terminated; misinterpreting the order passed by Hon'ble Mr. Justice Sanjeev Prakash Sharma (As His Lordship was then) in C.W.J.C. No.16214/2019 (Ataur Rahman V/s The State of Bihar and others.

3. 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 Rule 13 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 which deals with the power and functions of the District Appellate Authority.

4. Learned counsel for the petitioner does not dispute this fact.

5. 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 Rule 13 of the Rules, 2020, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

6. 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.

7. 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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