

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13702 of 2023

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- 1 . Pawan Kumar Son of Dev Narayan Sahani Resident of Village-Korbaddha, P.O.-Laguniya Surya Karth P.S. and District-Samastipur.
 2. Ram Kripal Mahto Son of Sri ram Narayan Mahto Resident of Village and P.O.-Korbaddha, P.S. and District-Samastipur.
 - 3 . Mohit Sahni Son of Late Mushahar Sahani Resident of Village-Korbaddha, P.O.-Laguniya Surya Karth District-Samastipur.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Director (Higher Secondary Education), Bihar, Patna.
- 3 . The Chairman, Bihar School Examination Education Board, Patna.
4. The Director (Education), Bihar School Examination Board, Patna.
- 5 . The Secretary, Bihar School Examination Board, Patna.
6. The District Magistrate, Samastipur.
7. The District Education Officer, Samastipur.
- 8 . The District Programme Officer (Secondary Education and Literacy), Samastipur.
9. The Principal (I/C) Sant Kabir Inter College, Samastipur.
- 10 . Prof. Rahul Kumar, Department of Hindi Posted in Sant Kabir Inter College, Samastipur.
- 11 . Prof. Shailendra Kumar, Department of History. Posted in Sant Kabir Inter College, Samastipur.
12. Khusboo Kumari, Non-teaching Staff. Posted in Sant Kabir Inter College, Samastipur.
- 13 . Poonam Kumari, Non-teaching Staff Posted in Sant Kabir Inter College, Samastipur.
- 14 . Sri Sanjay Kumar, Peon. Posted in Sant Kabir Inter College, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rana Sanjay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha (Gp 27)
For respondent Nos. 3 – 5	:	Mr. P K Shahi , Senior Advocate
		Mr. Kumar Shanu, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2024

Heard learned counsel for the parties.



2. This writ application has been filed for the following reasons :-

(i) To direct the concerned respondent/s to cancel the appointment made by respondent No.9 in the Sant Karbir College, Samastipur against various posts such as teaching staffs, non-teaching staffs, fourth grade employee wrongly and illegally to their kith and kin and relatives.

(ii) To direct the respondent concerned to enquire into the matter of irregularity committed by respondent No.9 who has wrongly and illegally appointed teaching, non-teaching staffs including fourth grade employees without any sanctioned and vacant post to their kith and kin and relatives.

(iii) To direct the concerned respondents to inquire into the matter of financial irregularities committed by the respondent No.9 who without any authority of law made illegal appointment in the college against various post and made payment to them.

(iv) To any other relief/s to which the petitioners may be found entitled in the facts and circumstances of the case .

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 petitioners 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 petitioners have 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, petitioners are directed to file an application before the District Appellate Authority in accordance with law.

6. In the event, such application is filed by the petitioners, 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 petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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