

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13077 of 2023

Binod Kumar Singh Son of Baban Prasad Sah Resident of Village Makhwa
P.S. Bhagwanpur District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the, Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education Govt. of Bihar, Patna.
3. The District Magistrate, Begusarai
4. The District Programme Officer, Establishment Education Department, Begusarai
5. Block Education Officer, Birpur, District Begusarai.
6. Mukhiya, Naula Panchayat Block Birpur, District-Begusarai
7. Panchayat Secretary, Naula Panchayat , Block, Birpur, District Begusarai.
8. Headmaster, In-Charge, Primary School, Badiya, Panchayat Naula, Block Birpur District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc 16)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2024 This writ petition has been filed by the petitioner to quash the memo no. 54 dated 24.07.2023, issued by the Panchayat office, gram Panchayat Naula, Birpur (mukhiya of the gram panchayat) district Begusarai whereby the services of petitioner has been terminated while posted as panchayat teacher in the Prathmik Vidyalay, Badiya, Birpur in district Begusarai. Further be pleased to direct the respondents to pay all other consequential benefits.

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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