

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12776 of 2023

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Amit Kumar Lal Das son of Late Laxmi Narayan Lal Das, resident of Village-Runway, Keoti, Police Station-Keoti, District-Darbhangha.

... .. Petitioner/s

Versus

- 1 . The Union of India through the Secretary, Ministry of Human Resources, Government of India, Central Secretariat, New Delhi.
2. The Secretary, Ministry of Human Resources, Government of India, Central Secretariat, New Delhi.
- 3 . The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
- 5 . The Director, National Institute of Open Schooling, A-24-25, Institutional Area, Sector-62, NOIDA (UP)
6. The National Institute of Open Schooling through its Regional Director, Lalit Bhawan, Bailey Road, Patna.
7. The District Education Officer, Darbhanga.
- 8 . The District Programme Officer Establishment, Darbhanga.
9. The Block Education Officer, Keoti, District-Darbhangha.
- 10 . The Block Education Employment Committee, Keoti, District-Darbhangha.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Das , Advocate
For the Respondent/s	:	Mr. Additional Solicitor General
For respondent Nos. 1 & 2	:	Ms. Sarita Bajaj, CGC
For UOI	:	Mr. Awadesh Kumar Pandey, Senior CGC
		Mr. Abhishek Kumar Verma, Advocate
		Mr. Manoj Kumar Singh, NIOS
		Mr. Ankit Kumar Singh, JC

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-12-2024 Heard learned counsel for the parties.

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

*(i) To quash the letter No.
978 dated 13.11.2020 issued by the
Director, Primary Education,*



Government of Bihar, Patna, whereby and where under all the District Education Officer and all the District Programme Officer have been directed to take action against those teachers who have not complete their teacher training course till 31st March 2019.

(ii) To quash office order memo No. 98/प्र० पं. Keoti dated 04.03.2023 issued by Executive Officer-cum-Member Secretary, Block Education Employment Committee, Keota, Darbhanga whereby and where under petitioner was terminated in the light of C.W.J.C. No. 16214/2019 (Ataur Rahman Vs The State of Bihar & Others) who have not completed their Teachers Training Course till 31st March, 2019.

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 directed 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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