

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13152 of 2023

Rinki Kumari D/o Ramlal Paswan, W/o Sri Dhirendra Kumar @ Dhiraj Kumar, R/o Village - Gaytri Nagar, Daburgram, P.O and P.S.- Jasidih, Kunjisar, District- Deoghar, Jharkhand at present posted as Block Teacher at Government Upgraded Middle School, Raichor, Anchal- Chandramandih, Block- Chakai, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Jamui, District- Jamui.
5. The District Programme Officer, Establishment (Education), Jamui, District- Jamui.
6. The Executive Officer - cum - the Secretary, Block Teacher Employment Unit - cum- Block Development Officer, Chakai, Block- Chakai, District- Jamui.
7. The Block Education Officer, Chandramandih, Block- Chakai, District- Jamui.
8. The Block Panchayat Raj Officer, Chakai, Block- Chakai, District- Jamui.
9. The Headmaster Government Upgraded Middle School, Raichor, Anchal- Chandramandih, Block- Chakai, District- Jamui.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Mrityunjay Kumar, Advocate
For the State	:	Mr. Madan Jeet Kumar, GP-20

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 the following reliefs:-

“(i) For issuance of a writ in the nature of Mandamus or any other appropriate / writ / order/direction to the



respondents authority to pay the arrears of salary for the period from 18.09.2017 to 25.01.2018 to the petitioner which has not been paid to the petitioner and has with-held without any reason and also without any notice to the petitioner.

(ii) Further, for issuance of a writ in the nature of Mandamus or any other appropriate writ/order/direction to the respondents to pay the arrears of Difference amount of salary of 7th pay fixation from April 2017 to December 2019 as-well-as the difference amount of salary of trained pay-scale from September 2015 to December 2016 to the petitioner which has not been paid to the petitioner without any reason.”

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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