

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14333 of 2023

Uday Bahadur son of Satya Narayan Rai, Resident of village-Dubauli, P.S.-
Panapur, District-Saran at Chapra, then posted as Assistant Teacher, Primary
School, Harpur Jan Purab, P.S. Mashrakh, District-Saran at Chapra.
... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
 2. The Additional Chief Secretary, HRD, Govt. of Bihar, Patna.
 3. The Director Primary Education, Govt. of Bihar, Patna.
 4. The District Magistrate, Saran at Chapra.
 5. The Dy. Director, Primary Education, Govt. of Bihar, Patna.
 6. The District Education Officer, Saran at Chapra.
 7. The District Programme Officer (Establishment), Saran at Chapra.
 8. The Block Development Officer-cum-Secretary, Block Employment Unit,
Mashrakh, Saran at Chapra.
 9. The Block Education Officer, Mashrakh, Saran at Chapra.
 10. The Headmaster, Primary School, Harpur Jan Purab, Block-Mashrakh,
District-Saran at Chapra.
 11. The Panchayat Secretary, Chand Kudariya Panchayat, Saran at Chapra.
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Binod Singh, Advocate
For the Respondent/s : Mr. Madhukar Mishra AC to SC-16

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-12-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of respondent/State.

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

*“(i) For issuance of writ in the nature of
certiorari for quashing of the Memo no. 22 dated
12.06.2021 issued by the Panchayat Teacher
Selection Unit, Gram Panchayat Raj, Chand
Kudariya, Block- Mashrakh, District- Saran at
Chapra whereby a show cause notice has been
served upon the petitioner.*



(ii) For issuance of writ in the nature of certiorari for quashing of the Memo no. 29 dated 30.06.2021 issued by the Panchayat Teacher Selection Unit, Gram Panchayat 4 Raj, Chand Kudariya, Block- Mashrakh, District- Saran at Chapra whereby the service of the petitioner as Panchayat Teacher has been terminated.

(iii) For necessary direction upon the respondent authorities to reinstate the petitioner with full back wages and all consequential benefits.

(iv) For issuance of any other appropriate writ, order or direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that the petitioner has got alternative remedy of filing appeal before the District Appellate Authority under Rule 13 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules, 2020), which deals with *the power and functions of the District Appellate Authority*.

4. Learned counsel for the petitioner does not dispute the above proposition.

5. A Full Bench of this Court, in the case of *Dinesh Prasad Mandal vs. State of Bihar*, reported in **1984 PLJR 1002**,



has held that the writ court is not the remedy of the first instance where others exist. It is the remedy of last resort. If the legislature, in its wisdom, provides an extensive machinery for settlement and adjudication, it is not for the High Courts to override and nullify that mandate. Since, the petitioner has got statutory alternative remedy of filing 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 extraordinary writ jurisdiction.

6. Accordingly, writ petition is disposed of with direction to the petitioner to file an appeal before the concerned District Appellate Authority. In the event, such appeal is filed within six weeks from today, the same shall be disposed of by a reasoned order in accordance with law after hearing the parties.

7. Needless to state here that the issue of limitation, if any, arises, the same may be considered as the petitioner was pursuing the matter before this Court.

8. With above observation & direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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