

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12585 of 2023

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Mamta Kumari Wife of Sri Sadhu Sharma, D/o Vishwanath Sharma, Resident of village- Husainabad, Ward No.08, P.S.- Ariyari, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. The District Education Officer, Sheikhpura.
5. The District Programme Officer, Sheikhpura.
6. The Block Development Officer- cum- Secretary, Block Teachers Selection Unit, Warsaliganj, District- Nawada.
7. The Block Education Officer, Warsaliganj, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-12-2024 Heard learned counsel for the petitioner and learned counsel appearing on behalf of respondent/State.

2. This writ petition has been filed for directing the respondents to make payment of due salary for the period from 20.05.2013 to 11.07.2013, medical leave of 16 days i.e. from 15.12.2017 to 30.12.2017 and maternity leave of 180 days for the period from 01.12.2018 to 31.05.2019 respectively.

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. 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 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 extra-ordinary 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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