

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14035 of 2023

Reshma Kumari Wife of Upendra Kumar Ram, Resident of Village-Banjariya, Amarpura, P.S.- Mahmadpur, District- Gopalganj, then posted as Assistant Teacher, Primary School, Sundar, 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, Sundar, 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
For the Respondent/s : Mr.Madan Jeet Kumar (Gp 20)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-12-2024 Writ petition has been filed for the following
relief(s) :

“(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. 30 dated 30.06.2021 issued by the Panchayat Teacher Selection Unit, Gram Panchayat 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.”

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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