

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15366 of 2023**

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Kumari Sushama W/o Sri Nagendra Kumar Singh/D/o- Sri Bajeshwari Prasad Singh, R/o - Vill - Pindaram, P.O. - Kala, P.S. - Laxmipur, District - Jamui.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar.
2. The Director, Primary Education, Govt. of Bihar, Patna.
- 3 . The District Education Officer, District - Jamui.
4. The District Programme Officer (Estt.), District - Jamui.
- 5 . The Block Education Officer, Laxmipur Block, District - Jamui.
6. The Headmaster, Primary School, Duphedi Block- Laxmipur, District - Jamui.
7. The Panchayat Secretary-cum-Secretary, Panchayat Employment Unit, Gram Panchayat Raj, Pidraun, Block- Laxmipur, District - Jamui.

... .. Respondent/s

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**Appearance :**

|                      |   |                                  |
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| For the Petitioner/s | : | Mr. Rajeev Kumar Singh, Advocate |
| For the Respondent/s | : | Mrs. Smt. Binita Singh ( Sc 28 ) |
| For State            | : | Mr. Kamresh Singh, AC to SC 28   |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      16-12-2024                      Heard learned counsel for the parties.

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

*(i) To quash the letter contained in  
memo no.- 26 dated 23.03.2023 issued by  
Panchayat Secretary, Gram Panchayat Raj,  
Pidraun, Block Laxmipur. District -*



*Jammuiwhereby and where under, holding guilty of misconduct Diser Bihar Panchayat Teachers (Emploment& Service Conditions) Rule 2012 (as amended in 2020), the petitioner has been directed to submit her explanation accordingly. A copy of memo no.- 26 dated 23.03.2023 is annexed as ANNEXURE - 1 to this application .*

*(ii) To quash the letter contained in memo no.- 160 dated 21.04.2023 issued by Block Education Officer, Laxmipur, District-Jamui, whereby and whereunder it has been communicated to the petitioner that as she was appointed on the basis of one year teachers training certificate in the year training certificate in the year 2006 and as such she is not entitled to continue in service and no payment will be made to her nor she is entitled to mark her attendance in the attendance register of Primary School, Duphedi, Block - Laxmipur, District- Jamui. A copy of memo no.- 160 dated 21.04.2023 is annexed as ANNEXURE - 2 to this application .*

*(iii) To direct the Headmaster, Primary School Duphedi, Block-Laxmipur, District- Jamui (Resp. No-6) to allow the petitioner, who is posted as Panchayat Teacher in the said School since 2006, to mark her attendance in the official attendance register of the said School.*

*(iv) To direct the respondents to pay the arrears of salary to the petitioner which is due since October 2022 till date with statutory interest and also to pay current salary to the petitioner on month to month basis.*

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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