

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13673 of 2023

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Renu Devi D/o Jimdar Mahto, Resident of Village and Post-Phulkaha, P.S.
Sonbarsa, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Commission, Department of Education, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
4. The District Magistrate, Sitamarhi.
5. The District Education Officer, Sitamarhi.
6. The District Programme Officer (Establishment), Sitamarhi.
7. The Block Development Officer, Sonbarsa, District-Sitamarhi.
8. The Block Education Extension Officer, Sonbarsa, District-Sitamarhi.
9. The Block Education Officer-cum-Secretary, Block Teachers Appointment Unit, Block-Sonbarsa, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Respondent/s : Mr.Prabhakar Jha (Gp 27)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2024 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 directing the respondent authority
to pay the salary of the petitioner with effect from
28.05.2022 till date.*

*(ii) For directing the respondent authority
to make payment of due salary of the petitioner
with effect from 2014 to 08.07.2015 about 8
months.”*



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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