

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15810 of 2024

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Jay Prakash Mishra S/o Ramchandra Mishra, R/o Village- Atimi, P.O. Atimi,
P.S. Navanagar, Dist. Buxar ... Petitioner/s

Versus

1. The State of Bihar through its Secretary Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director (Primary Education), Govt. of Bihar, New Secretariat, Patna.
4. The District Magistrate, Buxar.
5. The District Education Officer, Buxar.
6. The District Programme Officer (Establishment), Buxar.
7. The Block Development Officer, Dumrao, Buxar.
8. The Block Education Officer, Dumrao, Buxar.
9. The Block Panchayati Raj cum Executive Officer, Dumrao, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. GP Ojha, Government Advocate 7

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-10-2024 Heard learned counsel for the parties.

2. This writ petition has been filed to quash memo no.83 dated 10.5.2023, issued by the respondent no. 9 whereby and where under the appointment of the petitioner has been cancelled on the ground he has not completed teachers training course prior to 19.10.2022 as per order passed by this Court in 16214/2019 (Ataur Rahman & Ors. Vs. The State of Bihar & Ors.). Petitioner has further prayed for a direction to the respondent authority to declare the petitioner trained teacher



w.e.f. 31.03.2019 as due to fault of the authority, his marks sheet was issued on 25.10.2023 after correction of result. It is also prayed that the petitioner be reinstated in service with all consequential benefit.

3. 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.”

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

5. 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.

6. 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.

7. 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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