

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14891 of 2023

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Mahboob Alam @ Mahbub Alam Son of Abdul Gani R/o Village-Parasia,
Post Nabinagar, P.S.-Nabinagar, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, New Secretariat, Patna.
2. The District Magistrate-Cum-Collector, Aurangabad.
3. The District Education Officer, Aurangabad.
4. The District Educational Programming officer-Cum-Public Information Officer, Aurangabad.
5. The Block development Officer, Navinagar, Aurangabad.
6. The Block Education Officer, Navinagar, Aurangabad.
7. The Executive Officer, Nagar Panchayat Teacher Niyojan, Navinagar, Aurangabad.
8. The Chairman of Nagar Panchayat, Navinagar, Teacher Appointment Unit, Aurangabad.
9. The Secretary of Teacher Appointment Unit, Nagar Panchayat Navinagar, Aurangabad.
10. Seema Perween W/o Shaiyad Shamshad Ali (PDS Dealer), R/o Village-Parasia, Ward No.2, P.S. Navinagar, District-Aurangabad Who is Posted as Rajkiya Primary School, Belai, Bhdhi Bandh, Ward no. 11, Nagar Panchayat Navinagar, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Ms. Mukul Kumari, Advocate
For the State	:	Mr. Madhaw Pd. Yadaw, GP-23

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. The present writ application has been filed with a prayer for removal of private Respondent No. 10 from services, who has been appointed as Panchayat Teacher in Rajyakiya Primary School, Belai, Budhi Bandh, Ward No. 11, District-



Aurangabad.

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 granted liberty 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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