

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15009 of 2023

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1. Kumari Prtibha W/o Brijnandan Yadav, Resident of village- Ananpur Maran, District-Khagaria.
 2. Himanshu Srivastava son of Tependra Prasad Singh, Resident of Ward No. 03, P.S.- Alauli, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Education Department, Government of Bihar Patna.
2. Principal Secretary Education Department Government of Bihar Patna.
3. The Director (Primary Education), Govt of Bihar, Patna.
4. The Principal Secretary, Department of Education, Govt of Bihar, Patna.
5. The District Education Officer, Establishment Khagaria, District- Khagaria.
6. The District Programme Officer, Establishment Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc 16)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. The present application has been filed for setting aside Letter No. 2904 dated 25.07.2023 (Annexure-4) issued by the Respondent No. 5 whereby salaries taken by the petitioners during six months of Rs. 2,45,504/- of petitioner No. 1 and Rs. 2,10,950/- of petitioner No. 2 is to be recovered in 12 equal installments.

3. At the outset, learned counsel for the State appears and raises preliminary objection with regard to the maintainability of this writ application on the ground that



petitioners have got alternative remedy before the District Appellate Authority under **Rule 13** of the **Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020**. He further submits that no reason has been assigned, as to why this writ application shall be heard by this Hon'ble High Court, even when alternative remedy to move before the District Appellate Authority is available to the petitioners.

4. Learned counsel for the petitioners is not in a position to dispute the contentions made on behalf of the State.

5. Considering the aforesaid facts and circumstances, this writ petition is disposed of with direction to petitioners to move before the concerned District Appellate Authority by filing appeal and the District Appellate Authority is directed to proceed in the matter and dispose of the same in accordance with law, as expeditiously as possible.

6. With the aforesaid observations and directions, this writ application is disposed of.

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 petitioners were pursuing the issue before this Court under Article



226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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