

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14033 of 2023**

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Ravi Ranjan Kumar Son of Niranjan Yadav Resident of Village-Kapharpur,  
P.O.-Berka, P.S.-Makhdumpur, District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,  
Government of Bihar, Patna.
2. The Director Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Jehanabad.
4. The District Education Officer, Jehanabad, District-Jehanabad.
5. The District Programme Officer (Establishment), District-Jehanabad.
6. The Block Education Officer, Makhdumpur, District-Jehanabad.
7. The Panchayat Secretary-Cum-Panchayat Teacher Employment Committee,  
Gram Panchayat, Dhanrai, Block-Makhdumpur.
8. The Headmaster, Primary School, Beraka.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Shankar Kumar  
For the Respondent/s : Mr.Kameshwar Kumar ( Gp 17 )

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

2      12-12-2024                      Writ petition has been filed for the following  
relief(s) :

“(i) To issue and appropriate order/s,  
direction/s including a writ preferably in the nature  
of CERTIORARI for quashing the order as  
contained in letter No.36 dated 12.07.2023 issued  
from the office of Panchayat Secretary- cum-  
Member Secretary Employment Unit, Village  
Panchayat- Dharnai, Makhdumpur (Hereinafter



referred as respondent No.7) whereby and whereunder he has terminated the petitioner from the post of Teacher in terms of meeting No.1, Proposal No.2 of Panchayat Teacher Employment Samittee.

(ii) To direct the respondent No.7 to reinstate the petitioner from the post of teacher with consequential benefit.”

2. 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.”

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

4. It is settled law that where a right or liability is created by a statute which gives a special remedy for enforcing it, the remedy provided by the statute alone must be availed of. 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.

5. 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.



6. 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)**

Prakash/-

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