

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14887 of 2023

=====

Kumari Ranjan Lata D/o Sri Bahadur Ram Permanent Resident of C/o Ghanshyam Singh Near Shwet Mahavir Mandir, Mohalla-Chandan Chowk, P.O and P.S.-Mohania, District-Kaimur, Presently Residing at Village-Rasulpur Karmahri, P.S.-Mohania, District-Kaimur Presently Posted as Assistant Teacher, Upgraded Ucha Vidyalaya, Katra Kala, Mohania.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Madhyamik (Secondary), Education Department, Vikash Bhawan, Bailey Road, Patna.
4. The Regional Deputy Director, Madhyamik (Secondary) Intermediate Council 4th Floor, Sudh Marg, Govt. of Bihar, Patna.
5. The District Magistrate, Kaimur at Bhabhua.
6. The Additional Collector, (East), Kaimur at Bhabhua.
7. The Deputy Development Commissioner-Cum-Chief Executive Officer, Zila Panchayat, Kaimur at Bhabhua.
8. The District Education Officer, Kaimur at Bhabhua.
9. The Headmaster, Upgraded Uch Vidhyalaya, Katara-Kalan, Mohania, P.O.-P.S.-Mohania, District-Kaimur.

... .. Respondent/s

=====

Appearance :

For the Petitioner : Mr. Raj Kumar Mishra, Advocate
For the State : Mr. Prabhakar Jha, GP-27

=====

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 for commanding the respondents to make payment of dues of salary to the petitioner for the period from November, 2017 to August, 2023 as well as current salary and arrear of monthly salary of the year 2012 (amounting to Rs. 20,815/-), of the year 2013



(amounting to Rs. 2,175/-) and of the year 2014 (amounting to Rs. 5,133/-).

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)

shashank/-

U			
---	--	--	--

