

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14570 of 2023

=====

Eqra Fatima Daughter of Md. Salauddin Resident of Opposite P.U. Library,
Data Pirbahor, P.S.-Pirbahore, District-Patna.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through Principal Secretary, Department of Education,
Govt. of Bihar.
2. The Director, Primary Education, Govt. of Bihar.
- 3 . The District Magistrate, East Champaran, Motihari.
4. The District Education Officer, East Champaran at Motihari.
- 5 . The Executive Officer cum Block Development Officer, Banjaria, District
East Champaran.
6. The Block Education Officer, Banjaria, District East Champaran.
7. The Head Master, Upgraded Middle School, Amwa, Block Banjaria, District
East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Asif Kalim , Advocate
For the Respondent/s : Mrs. Smt. Binita Singh (Sc 28)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. This writ application has been filed for the
following reasons :-

*(A) For setting aside the memo
No. 17.08.2019 passed by the Block
Education officer, Banjariya , East
Champaran whereby the salary of the
petitioner and three others have been
stopped in view of the some facts
pleaded in the case pending before the
District Teacher employment,
Authority, East Champaran at
Motihari.*

*(b) To direct the
respondent/s authority to make*



*payment of the salary/honorarium
from July 2019 to till date along with
interest.*

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 directed 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)

Koushik/-

U			
---	--	--	--

