

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14796 of 2023

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Krishna Kumar Son of Shri Raja Ram Sharma Resident of Village-Matour,
P.S.-Makhdumpur, District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Deptt. of Education Govt. of Bihar, Patna.
2. The Additional Principal Secretary, Department of Education Govt. of Bihar, Patna.
3. The Director, Primary Education, Deptt. of Education Govt. of Bihar, Patna.
4. The District Education Officer, Deptt. of Education Patna Bihar,
5. The District Superintendent Education Officer, Department of Education, Patna, Bihar.
6. The Program Officer (Estab)., Deptt. of Education, Patna, Bihar.
7. The Block Education Officer, Paliganj Block, Patna.
8. The PanchaYat Secretary, Mundika Gram Panchayat, Paliganj Block, District-Patna.
9. The Head Teacher, primary School Pasourha, Paliganj Block, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Binod Pd. Singh, Advocate
For the State : Mr. Madan Jeet Kumar, GP-20

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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 for the following reliefs:-

“(I) To give the arrears of salary to the petitioner from October, 2017 to July, 2022 for trained teacher deducting the given amount of untrained teacher.

(II) To give the arrears of salary to the petitioner for the month of August, 2022 for trained teacher deducting the amount paid to the petitioner for untrained teacher.

(III) To give the arrears of salary to the petitioner from



September, 2022 to till date of disposal of the present case.

(IV) To pay the regular salary of the petitioner further from the date of disposal of the present case.

(V) To give other relief/s which this petitioner is entitled for.”

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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