

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15959 of 2023

1. Sugandha Kumari wife of Sri Sanjay Kumar Jha, resident of Village- B.M. Jha Colony, Ward no. 7, P.O.- Madhupur, P.S. - Madhubani, District - Madhubani.
2. Kumar Birendra, son of Late Bishwanath Singh, resident of Village - Narayanpur, P.O. - Narayanpur, P.S.- Sakatpur, District- Darbhanga.
3. Paritosh Kumar Roy, Son of Ramesh Chandra Roy, resident of village- Lagma Ram Bhadrapur, P.O. Lagma Ram Bhadrapur, P.S. Sakatpur, District - Darbhanga.
4. Sitaram Ram, Son of Late Chhathu Ram, resident of Village - Taradih, P.O. - Kaithwar, P.S. - Sakatpur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Department of Primary Education (Education Department) Government of Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. The District Education Officer, Darbhanga.
6. The District Programme Officer (Establishment), Darbhanga.
7. The Block Education Officer, Taradih, Darbhanga.
8. The Block Education Officer, Alinagar, Darbhanga.
9. The Block Panchayati Raj Officer cum Secretary Block Employment Unit, Taradih, Darbhanga.
10. The Panchayat Secretary cum Secretary Gram Panchayat Raj Kaithwara/Kakodha, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate
For the State : Mr. Madan Jeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-12-2024 Heard learned counsels for the parties.

2. The present writ application has been filed for the
following reliefs:-



- “(i) To direct the respondent-Authorities to conduct the supplementary examination of Diploma in Primary Education for which main examination was held in November, 2018 as per guideline issued by the State Education Research and Training Council Mahendru, Patna, in which petitioners got back in one paper.*
- (ii) To quash the Memo No. 18 dated 14.01.2023 issued by the Block Education Officer Tardih, Darbhanga whereby and where under, as per direction of the department with respect to untrained teachers removal from the service, the appointment of the petitioners have been cancelled without any notice.*
- (iii) To further quash the Letter No. 1 dated 19.01.2023 issued by the Headmaster by which the attendance of the petitioners have been stopped.*
- (iv) To further direct to respondent-Authorities not to disturb the petitioners in discharging their duty as a Panchayat/Block Teacher and pay consequential benefits.*
- (v) To any other appropriate relief(s) to the petitioners for which he may be found entitle under the fact and circumstance.”*

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 petitioners 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 petitioners have 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, petitioners are 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 petitioners, 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 petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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