

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14859 of 2023

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Rozi Kumari w/o Rajneesh Prasad Yadav, Resident of village-Lagar, PS-Parbatta, District- Khagaria, PIN 851216.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Human Resource, Govt. of Bihar, Patna.
2. The Joint Secretary, Department of Education, Govt. Of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Superintendent of Education cum the District Program Coordinator, Khagaria, District Khagaria.
5. The Block Development Officer, Parbatta, District Khagaria.
6. The Mukhiya, Gram Panchayat, Lagar, Parbatta, District Khagaria.
7. The Panchayat Secretary, Gram Panchayat, Lagar, Parbatta District Khagaria
8. The Head Master, Primary School, English, Lagar, Parbatta district Khagaria
9. The Secretary/Chairman, School Education Committee, Primary School English, Parbatta, Distt. Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Ms. Kumari Rashmi, Advocate
For the State	:	Mr. Madhaw Prasad Yadav, GP-23

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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 commanding the respondents to accept the joining of the petitioner at Primary School English under Gram Panchayat-Lagar, Khagaria.

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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