

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16019 of 2023

Md. Ehsanul Haque @ Ehasanul Haque @ Md. Ahsanul Haque S/o Md. Mojibur Rahman @ Majavul, R/o Ward no.- 11. Gunjar Mari, P.O.- Gunjar Mari and P.S.-Thakurganj, District- Kishanganj, Bihar-855116.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. District Magistrate, Begusarai.
4. District Education Officer, Begusarai.
5. District Programme Officer Establishment, Begusarai.
6. Block Education Officer, Sadar Block, Begusarai.
7. Block Teacher Niyojan Unit cum Block Panchayat Raj Officer, Begusarai Sadar Begusarai.
8. Head Master, Middle School Damdama, Block Sadar District Begusarai.
9. Regional Director, National Institute of open Schooling regional centre Patna Lalit Bhawan Ground Floor Jawaharlal Nehru Marg Bailey Road Patna- 800001.
10. Joint Director (C.B.C.), National Institute of open schooling A- 24-25 institutional area Gautam Buddh Nagar Sector- 62 Noida- 201309 (U.P).

... .. Respondent/s

Appearance :

For the Petitioner	:	Md. Shahnawaz Ali, Advocate
For the State	:	Mr. Kameshwar Kumar, GP-17
For N.I.O.S.	:	Mr. Manoj Kr. Singh, Advocate
		Mr. Ankit Kr. Singh, Advocate

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 quashing the order contained in Memo No. 124 dated 18.05.2023 passed by the Block Teacher Niyojan Unit-cum-Block Panchayat Raj Officer, Begusarai Sadar, Begusari



(Respondent No. 4) whereby and whereunder the services of the petitioner from the post of teacher has been terminated. Further prayer has been made for directing the respondent-Authorities to re-evaluate the assignment of the petitioner of Sessions 2017-19 of D.El.Ed. Programme of subject Code No. 511 and for commanding the respondents to reinstate the petitioner.

3. At the outset, learned counsels appearing on behalf of the respondents raise 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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