

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15399 of 2023

Vikas Kumar S/o Late Krishna Mohan, resident of Babu Bank, P.O. and P.S. - Jhajha, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director Primary Education, Bihar.
2. The District Magistrate, Jamui, Bihar.
3. The Sub-Divisional Magistrate, Jamui.
4. The District Education Officer, Jamui.
5. The District Program Officer (Primary Education) Jamui.
6. The Block Development Officer, Jhajha, Jamui.
7. The Panchayat Secretary, Gram Panchayat, Chai, Jhajha, Jamui.
8. The Mukhya Gram Panchayat, Chai, Jhajha, Jamui.
9. Akshay Kumar Ambasta, S/o Shri Birendra Kumar Sinha, resident of Village- Chai, P.S. Jhajha, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar , Advocate Mr. Dhaneshwar Vashist , Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar (Gp 17) Mr. S. K Ranjan, AC to GP 17

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-12-2024 Heard learned counsel for the parties.

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

(i) To quash the order contained in letter No. 40 dated 17.07.2023 issued from the office of Gram Panchayat Raj Chai Jhajha whereby and where under service of the petitioner as Panchayat Teacher New Primary School Ravidas Tola Chai has been terminated with immediate effect after 13 years from the date of appointment and respondent no. 9 who is untrained was directed to be appointed at his place in teeth



*of order of Ld. District Teacher Employment
Appellate Authority Jamui.*

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)

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