

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18430 of 2022

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Punam Kumari W/o Bhimsen Pandey, R/o Village Parta, P.S. Amba, District-
Aurangabad. Presently posted as InCharge Headmaster, Primary School,
Pathila, Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. District Magistrate Cum Collector, Aurangabad.
3. District Welfare Officer, Aurangabad.
4. District Education Officer, Aurangabad.
5. Block Education Officer, Kutumba Block, Aurangabad.
6. Additional Superintendent of Police, Economic Offence Unit, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Singh, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27
For the E.O.U.	:	Mr. V.N.P. Sinha, Sr. Advocate
		Ms. Soni Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-11-2024 Heard learned counsels for the parties.

2. This writ application has been filed for quashing the order dated 15.11.2022 contained in Memo No. 1988 (Jika) issued under the signature of the District Welfare Officer, Aurangabad (Respondent No. 3) whereby and whereunder petitioner has been directed to return the alleged amount of defalcation amounting to Rs. 16,24,800/- within 24 hours in the office of Nazir, District Welfare Office, Aurangabad.

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 State Appellate Authority under Rule 14(c) of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules 2020”), which deals with powers and functions of the State Appellate Authority.

4. Since the petitioner has got statutory alternative remedy to move before the State Appellate Authority under Rule 14(c) 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 State 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 State 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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