

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15918 of 2023

Md. Wasiquir Rahman Son of Lal Mohammad, Resident of Village- Siktia,
P.S- Jokihat, District- Araria, At present Panchayat teacher in Primary School
Kol Tola, Belwa Block and P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Education Officer, Araria, District- Araria.
4. District Programme Officer (Establishment), District- Araria.
5. Panchayat Secretary cum Member Secretary, Teachers Appointment Committee Gram Panchayat Belwa, District- Araria.
6. The Mukhiya cum Chairman, Teachers Appointment Committee Gram Panchayat Belwa, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner : Md. Ziaul Quamar, Advocate
For the State : Mr. Kameshwar Kumar, GP-17

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 setting aside the order dated 08.09.2023 as contained in Letter No. 34 issued by the Panchayat Secretary-cum-Member Secretary, Teachers Appointment Committee Gram Panchayat Belwa, District- Araria (Respondent No. 5) whereby and whereunder the services of the petitioner from the post of Panchayat Teacher has been terminated. Further prayer has been made for commanding the respondents to reinstate the petitioner



and pay salary.

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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