

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16632 of 2023

=====

Neelam Kumari Wife of Sri Kanhaiyalal Singh, Resident of Village- Gyanwai
Tapuaa, P.O.-Buddhuchak, P.S.- Pirpanti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Katihar, District- Katihar.
4. The District Officer, Katihar, District- Katihar.
5. The District Programme Officer (Establishment), Katihar, District- Katihar.
6. The District Panchayati Raj Officer, Katihar.
7. The Block Panchayati Raj Officer, Pranpur Block, District- Katihar.
8. The Block Development Officer, Pranpur Block, District- Katihar.
9. The Block Education Officer, Pranpur Block, District- Katihar.
10. The Mukhiya, Gram Panchayat Raj Gouripur, District- Katihar.
11. The Panchayat Secretary, Gram Panchayat Raj Gouripur, District- Katihar.
12. The Head Master/Incharge Head Master, Primary School Khajuriya, Pranpur Block, District- Katihar.
13. The Investigation Officer, Vigilance Department, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Pandey, Advocate
For the State	:	Mr. Kumar Alok, SC-7

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2024 Heard learned counsels for the parties.

2. The present writ application has been filed for quashing the order dated 24.02.2023 as contained in Memo No. 5 issued by the joint signature of Mukhiya and Panchayat Secretary, Gram Panchayat Raj Gouripur, Block- Pranpur, District- Katihar, whereby and whereunder the services of the



petitioner has been terminated.

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)

shashank/-

U			
---	--	--	--

