

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16479 of 2023**

Shahida Khatoon D/o Nazre Alam, Resident of Village- Jadopur, P.O.-  
Matiyari, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Education Govt. of Bihar, New Secretariat, Patna.
2. The Director Primary Education, Department of Education, Govt. Bihar, New Secretariat, Patna.
3. The District Education Officer, Gopalganj.
4. The District Programme Officer (Establishment), Gopalganj.
5. The Block Education Officer, Sidhwalia, Dist.- Gopalganj.
6. The Recruitment Unit of Panchayat Teacher of Gram Panchayat Raj Bucheya, through its Secretary Cum Panchayat Sachiv Gram Panchayat Raj Bucheya, Block Sidhwalia, Distt.- Gopalganj.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar, Advocate  
For the Respondent/s : Mr.Madhaw Prasad Yadaw ( Gp 23 )

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      18-12-2024      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of respondent/State.

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

*“i.) To issue employment letter and accept  
the joining of the petitioner by the respondent no.  
6 on the post of Panchayat Teacher (Urdu) under  
disabled category as per the merit list prepared in  
this regard.*

*ii.) To direct the respondent authorities to  
finalise the pending enquiry with respect to  
employment of Special of Drive for employment of*



*Panchayat/Prakhand Teachers held in the year 2019-20 initiated vide letter dated 16.04.2022 contained in memo no. 1244 issued by respondent no. 3.*

*iii.) To hold that the petitioner is eligible from all corner as she has qualified in Central Teacher Eligibility Test (CTET) held in the year 2019 organized by the Central Board of Secondary Education, Delhi for Primary Stage (Class-I to V).*

*iv.) To hold that the respondent can't withhold the appointment of the petitioner in the name of enquiry for more than one and half year."*

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that the petitioner has got alternative remedy of filing appeal before the District Appellate Authority under Rule 13 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short "Rules, 2020), which deals with *the power and functions of the District Appellate Authority*.

4. Learned counsel for the petitioner does not dispute the above proposition.

5. A Full Bench of this Court, in the case of *Dinesh Prasad Mandal vs. State of Bihar*, reported in **1984 PLJR 1002**, has held that the writ court is not the remedy of the first instance



where others exist. It is the remedy of last resort. If the legislature, in its wisdom, provides an extensive machinery for settlement and adjudication, it is not for the High Courts to override and nullify that mandate. Since, the petitioner has got statutory alternative remedy of filing appeal before the District Appellate Authority under Rule 13 of the Rules, 2020, this Court is not inclined to interfere in the matter in its extraordinary writ jurisdiction.

6. Accordingly, writ petition is disposed of with direction to the petitioner to file an appeal before the concerned District Appellate Authority. In the event, such appeal is filed within six weeks from today, the same shall be disposed of by a reasoned order in accordance with law after hearing the parties.

7. Needless to state here that the issue of limitation, if any, arises, the same may be considered as the petitioner was pursuing the matter before this Court.

8. With above observation & direction, the writ petition stands disposed of.

**(Prabhat Kumar Singh, J)**

anay

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

