

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16422 of 2023

Niraj Kumar Chaubey S/O Dineshwar Chauvey, Resident of Village Salempur, P.S. Sidhwalia, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through Additional Chief Secretary, Department of Human Resource Development, Govt. of Bihar, Patna.
2. Director Primary Education, Government of Bihar, Patna.
3. District Education Officer, Gopalganj.
4. District Programme Officer (Estb.) cum Nodal Officer Vigilance Cell, Gopalganj.
5. Mukhiya, Gram Panchayat Raj Dumariya Block Sidhwalia, District-Gopalganj.
6. Panchayat Secretary, Gram Panchayat Raj Raj Dumariya, Block Sidhwalia, District-Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Adv.
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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 issuance of appropriate writ/writs in the nature of certiorari for quashing of the order dated 19-07-2023 issued vide Letter No 12 by Respondent No 6/Panchayat Secretary, Gram Panchayat Raj Dukmariya, Block Sidhwalia, District Gopalganj terminating the services of the petitioner without any show cause, without any Departmental proceeding and without giving any opportunity of hearing in utter violation of the principle of natural justice.



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)

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