

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16498 of 2023

=====

Ranjeet Ram @ Ranjit Ram S/o Lalan Ram, Resident of Village Mahua Khap,
P.S. Baikunthpur, 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 Dumariya, Block Sidhwalia, District- Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv.
For the Respondent/s : Smt. Binita Singh (Sc 28)

=====

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. The present writ petition has been filed for quashing of the order, contained in letter No. 12 dated 9.7.2023, issued by the Panchayat Secretary, Gram Panchayat Raj Dumaria, Block Sidhwalia whereby the service of the petitioner has been terminated and for direction of pay the consequential benefits.

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. It is settled law that where a right or liability is created by a statute which gives a special remedy for enforcing it, the remedy provided by the statute alone must be availed of. 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 extra-ordinary 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			
---	--	--	--

