

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16173 of 2023

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1. Shribhagwan Pandey Son of Ram Kumar Pandey, Resident of village and P.O.- Raghunathpur, P.S. Brahmpur, District- Buxar.
 2. Mritunjay Kumar, Son of Dr. Sukar Ram, Resident of village- Jagdishpur, P.O. and P.S.- Jagdishpur, District- Bhojpur (Ara).
 3. Dilip Kumar, Son of Gopaljee Singh Resident of Mohalla- Ojha Bazar, Ward No. 2, Jagdishpur, P.O. and P.S. Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Executive Officer, Nagar Panchayat Jagdishpur District- Bhojpur (Ara).
3. The District Education Officer, Bhojpur (Ara).
4. The District Programme Officer, (Establishment) Bhojpur (Ara).
5. Block Education Officer, Jagdishpur, District- Bhojpur (Ara).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Advocate
For the Respondent/s : Mr. Jitendra Kumar Roy 1 (Sc 13)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-12-2024 Heard learned counsel for the parties.

2. The present application has been filed for directing the respondents to make payment of arrears of salary and other consequential benefits and to allow the petitioners to continue in service.

3. At the outset, learned counsel for the State appears and raises preliminary objection with regard to the



maintainability of this writ application on the ground that petitioners have got alternative remedy before the District Appellate Authority under **Rule 13** of the **Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020**. He further submits that no reason has been assigned, as to why this writ application shall be heard by this Hon'ble High Court, even when alternative remedy to move before the District Appellate Authority is available to the petitioners.

4. Learned counsel for the petitioners is not in a position to dispute the contentions made on behalf of the State.

5. Considering the aforesaid facts and circumstances, this writ petition is disposed of with direction to petitioner to move before the concerned District Appellate Authority by filing appeal and the District Appellate Authority is directed to proceed in the matter and dispose of the same in accordance with law, as expeditiously as possible.

6. With the aforesaid observations and directions, this writ application is disposed of.

7. It goes without saying that if any question of limitation arises before the Appellate authority, the same shall



be considered, taking into consideration the fact that the petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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