

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17006 of 2024

=====

Ranjan Kumari Wife of Manjay Kumar Sah, Resident of Village and P.O.-
Alinagar Levadhan Via Chandan Patti, P.S.-Patepur, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary -cum- Commissioner, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
3. The Collector, Vaishali.
4. The District Education Officer, Vaishali, Hajipur.
5. The Block Development Officer, Patepur, Vaishali.
6. The Block Education Extension Officer, Patepur, Patepur Block, District- Vaishali.
7. The Panchayat Secretary, Alinagar Levadhan, Patepur, District-Vaishali.
8. The Head Master, Middle School, Alinagar, Patepur, District-Vaishali.

... .. Respondents

=====

Appearance :

For the Petitioner : Mr.Awadhesh Kumar Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (10)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-11-2024 Heard learned counsel for the petitioner and the State.

2. Writ petition has been filed for a direction to the respondent authorities of the Education Department to take steps for payment of salary from 23.07.2007 to 10.10.2007 till date and petitioner be allowed to work as a teacher making signature in attendance register of the School. He has further prayed for a direction to the authorities to allow the petitioner to work as a teacher in School in light of order passed by the District Appellate Authority, Vaishali on 25.05.2024 in Appeal Case No.PAP-31/2023 as well as to hold enquiry against the Head



Master of School, who has refrained the petitioner to sign over attendance register without any valid reason.

3. At the outset, learned counsel for the State submits that as a matter of fact petitioner has filed writ petition for execution of order dated 25.5.2024, passed by the District Appellate Authority, Vaishali in Appeal Case No. PAP-31/2023 (annexure P/7). Learned counsel submits that in case of non-compliance of order of the District Appellate Authority, petitioner has got statutory alternative remedy is before the Appellate Authority under Rule 16 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020.

“16. Power to impose Punishment:-

In case of non-compliance of the order/direction or in case of any complaints by the party for compliance of the order:-

(i) The Appellate Authority shall impose punishment against-concerned party but he will be given adequate opportunity of hearing before imposing punishment.

(ii) The Appellate Authority may impose penalty upto Rs. 50,000/- (Fifty thousand only) upon the answerable party. The amount of penalty shall be deposited in the Treasury under the head indicated by the Department. The amount of penalty shall be recoverable by way of Public demand.

(iii) The Appellate Authority shall have jurisdiction to make recommendation to the concerned Department to initiate Departmental proceeding or to



take necessary action against the delinquent employee under the provisions of Bihar Service Code/Bihar Panchayat Raj Act 2006/Bihar Municipal Act 2007 and other relevant provisions.”

4. It is settled law that where a right or liability is created by a statute which gives special remedy for enforcing it, the remedy provided by the statute alone must be availed of. Any individual grievance still pending or not redressed, can be taken up before the concerned District Appellate Authority/State Appellate Authority by filing an appeal. In the present case, since the petitioner has statutory alternative remedy before the Appellate Authority under Rule 16 of the Rules, 2020, this Court is not inclined to interfere in the matter in its extraordinary writ jurisdiction and directs the petitioner to seek remedy before the Appellate Authority.

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

6. Writ petition stands disposed of with the aforesaid observations.

Shashi

U			
---	--	--	--

(Prabhat Kumar Singh, J)

