

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16293 of 2023

1. Priyanka Bhardwaj D/o Sri Ugendra Bhardwaj, Resident of Village-Shiwrajpur, P.O.- Mustafabad, P.S.- Goriyakothi, District- Siwan, Presently working as Block Teacher in Up-graded Middle School, Shiwrajpur, Block-Goriyakothi, District- Siwan.
2. Punam Kumari Wife of Sri Manoj Kumar, Resident of Village- Shiwrajpur, P.O.- Mustafabad, P.S.- Goriyakothi, District- Siwan, Presently working as Block Teacher in Up-graded Middle School, Shiwrajpur, Block-Goriyakothi, District-Siwan.
3. Nandita Bhardwaj, D/o Sri Ugendra Bhardwaj, Resident of Village-Shiwrajpur, P.O.- Mustafabad, P.S.- Goriyakothi, District- Siwan, Presently working as Block Teacher in Up-graded Middle School, Shiwrajpur, Block-Goriyakothi, District-Siwan.
4. Shyam Bahadur Singh Son of Late Bankey Singh, Resident of Village and P.O.- Hariharpur Kala, P.S.- Goriyakothi, District- Siwan, Presently working as Block Teacher in Middle School, Barhoga Jadu, Block- Goriyakothi, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The District Education Officer, Siwan.
3. The District Programme Officer (Establishment), Siwan.
4. The Block Development Officer, Goriakothi-cum- Member Secretary, Block Appointment Committee, P.O. and P.S.- Goriakothi, District- Siwan.
5. The Block Education Officer, Goriakothi, P.O. and P.S.- Goriakothi, District-Siwan.
6. Sri Rajendra Singh, District Programme Officer (Establishment), Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-12-2024

Heard learned counsel for the parties.

2. This writ application has been filed to direct the respondent authorities to grant seniority with effect from date of



joining i. e., 29.12.2010 and payment of arrear salary from July , 2015 to December, 2023 and difference of pay from January 2023 to till date instead to date of rejoining on 31.12.2022 in view of the interim order of stay granted by Hon'ble High Court in CWJC No. 16421 of 2022 on 02.12.2022 .

3 . At the outset, learned counsel appearing on behalf of the State raises preliminary objection to the effect that an alternative Statutory remedy is available to the petitioners to move before the District Appellate Authority by way of filing appropriate application under Section 13 of Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2020 (hereinafter referred as “Rules, 2020”), which deals with the power and functions of the District Appellate Authority.

4. Since the petitioners have got statutory alternative remedy to move 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.

5 . In view of the aforesaid facts and circumstances, petitioners are directed to file an application before the District Appellate Authority in accordance with law.

6. In the event, such application is filed by the



petitioners, the authority concerned is directed to dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, as expeditiously as possible.

7. With the aforesaid observations and directions, this writ application stands disposed of.

8 . It goes without saying that if any question of limitation arises before the District 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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