

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16280 of 2023

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Krishna Kant Son of Jugal Prasad Nishad, Resident of village- Kanhuachak,
P.O.- Dhori Kitta, P.S.- Kahalgaon, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director, Secondary Education, Bihar, Patna
- 3 . The Collector, Bhagalpur.
4. The District Education Officer, Bhagalpur.
- 5 . The Deputy Development Commissioner cum Chief Executive Officer,
Bhagalpur Zila Parishad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Ghosarvey, Advocate
For the Respondent/s	:	Mrs. Smt. Binita Singh (Sc28)
For the State	:	Mr. Kumaresh Singh, Advocate
For Zila Parishad	:	Md. Nazimul Hode, Advocate

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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 for quashing the order dated 05.03.2019 issued vide memo No. 675 issued by respondent No. 4 the District Education Officer, Bhagalpur whereby and where under appointment of the petitioner from the post of Zila Parishad teacher in Hindi subject has been rejected on the ground that the petitioner has graduated from Hindi Vidyapith Deoghar.

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 petitioner 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 petitioner has 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, petitioner is directed to file an application before the District Appellate Authority in accordance with law.

6. In the event, such application is filed by the petitioner, 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 petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India .

(Prabhat Kumar Singh, J)

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