

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16345 of 2023

-
- 1 . Kiran Kumari Wife of Manjesh Kumar Kushwaha and D/o Sudarshan Prasad Resident of Village Sahpur Pakariyar, P.S.-Gopalpur, District-Gopalganj.
 2. Basanti Kumari D/o Sukhal Sah and Wife of Rambharosa Sah Resident of Village Gamharia, P.S.-Jadopur, District-Gopalganj.
 - 3 . Dinesh Prasad S/o Janki Prasad Resident of Ward No 13 Sareya, Gopalganj, P.S.-Gopalganj Town, District-Gopalganj.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through Additional Chief Secreary, Department of Human Resource Development, Govt. of Bihar, Patna
2. Regional Dyputy Director, Education, Saran at Chapra
- 3 . District Education Officer, Gopalganj
4. District Programme Officer (Estb.) Cum Nodal Officer, Vigilance Cell, Gopalganj
- 5 . Officer on Special Duty, District Confidential Section, District-Gopalganj
6. Block Development Officer Cum Secretary Block Teacher Employment Committee, Kuchaikot, District-Gopalganj
7. Block Education Officer, Kuchaikot, Dist.-Gopalganj
- 8 . Block Pramukh Kuchaikot, District-Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate
For the Respondent/s : Mr. Madan Jeet Kumar (Gp 20)

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 10.01.2022 issued vide Memo No. 49 issued by respondent No. 6 the Block Development Officer Cum Secretary Block Teacher Employment Committee, Kuchaikot, District-Gopalganj whereby and where under service of the



petitioners have been terminated from the post of Block Teacher.

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)

Koushik/-

U			
---	--	--	--

