

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16401 of 2023

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Akhtari Khatoon D/o Shaban Ali, resident of Village Damodapur, P.S. Madhaura, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Human Resource Development, Govt. of Bihar, Patna.
2. Director Primary Education, Government of Bihar, Patna.
3. District Education Officer, Gopalganj.
4. District Programme Officer (Estb.) cum Nodal Officer, Vigilance Cell, Gopalganj.
5. Mukhiya, Gram Panchayat Raj Bakhri Block Baikunthpur, District-Gopalganj.
6. Panchayat Secretary, Gram Panchayat Raj Bakhri Block Baikunthpur, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate
For the Respondent/s : Mr.Kameshwar Kumar (Gp 17)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for quashing order dated 26.8.2023, issued vide Letter no. 4 by which petitioner has been terminated from the service of panchayat teacher.

3. At the outset, learned counsel for the State raises preliminary objection and submits that the petitioner may seek remedy before the District Appellate Authority under Rule 13 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 which deals with the power and functions of the District Appellate Authority.

4. Learned counsel for the petitioner does not dispute this fact.

5. It is settled law that where a right or liability is



created by a statute which gives a special remedy for enforcing it, the remedy provided by the statute alone must be availed of. Since, the petitioner has statutory alternative remedy of appeal 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.

6. Accordingly, writ petition is disposed of with direction to the petitioner to file an appeal before the Appellate Authority. In the event such appeal is filed within four weeks from today, the same shall be disposed of with a reasoned order in accordance with law after hearing the parties within further eight weeks.

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 petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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