

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17016 of 2024

Rekha Kumari W/o Sri Arun Paswan R/o Village P.O. Bhour, P.S Khaira,
District- Jamui, at present posted as Block Teacher at Government Upgraded
Middle School, Hariyadih, Block - Khaira, District - Jamui.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department Government of Bihar, Patna.
4. The District Magistrate, Jamui, District - Jamui.
5. The District Education Officer, Jamui, District - Jamui.
6. The District Programme Officer, Establishment (Education), Jamui, District - Jamui.
7. The Block Development Officer- Cum- Member Secretary, Block Teacher Employment Committee, Khaira, District - Jamui.
8. The Block Education Officer, Khaira, Block- Khaira, District- Jamui.

... .. Respondents

Appearance :

For the Petitioner : Mr.Mrityunjay Kumar, Advocate
For the Respondents : Mr.Advocate General

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-11-2024

Heard learned counsel for the parties.

2. This writ petition has been filed to quash memo no.1398 dated 12.12.2018, issued by the respondent no. 6 whereby and where under grievance of the petitioner for payment of salary has been rejected and petitioner has been ordered to be removed from service of Panchayat teacher, Government Upgraded Middle School, Hariyadih, Block Khaira, District Jamui. Petitioner has also prayed for release of arrears of her salary due since July, 2006 till date.

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 section 13 of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015 which reads as follows:-

“13. Power and functions of the District Appellate Authority:-

The District Appellate Authority shall hear and dispose of the complaints / appeals related to employment of Niyojit teachers, librarians and other Niyojit functionaries of Government / Nationalized elementary, secondary and higher secondary schools (including government aided / minority schools). It shall also hear and dispose of the disputes/appeals related to their service conditions. Besides, it shall also hear and dispose of the disputes related to service matter between management and teaching / non-teaching functionaries of non-government and non-aided schools functioning in the state.”

4. Learned counsel for the petitioner does not dispute the above proposition.

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 section 13 of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015, 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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