

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18520 of 2022

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Gita Kumari Wife of Sri Bipin Kumar Pandit Resident of Village and P.O.-
Dangsi, P.S.- Sidhwalia, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar,
New Secretariat, Patna.
2. The District Education Officer, Gopalganj.
3. The District Programme Officer (Establishment), Gopalganj.
4. The Block Education Officer, Barauli, P.O. and P.S.- Barauli, District-
Gopalganj.
5. The Panchayat Secretary, Gram Panchayat Raj, Larauli, P.O.- Larauli, P.S.-
Barauli, District- Gopalganj.
6. The Headmaster, Newly Created Primary School, Dangsi Musahar Toli,
Block and P.S.- Barauli, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of respondents.

2. This writ petition has been filed for setting aside
the order, contained in Memo No. 3727 Gopalganj dated
09.11.2022, issued under the signature of District Programme
Officer (Establishment), Gopalganj recommending for
petitioner's dismissal from service and necessary compliance
within a period of one week, as reply to an explanation is not
satisfactory without whispering a word for agreement or
disagreement from said reply submitted on behalf of petitioner.



3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition 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 (for short “Rules, 2020), which deals with the power and functions of the District Appellate Authority.

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 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 District Appellate Authority, Gopalganj. If such appeal is filed within four weeks from today, the same shall be disposed of by a reasoned order in accordance with law after hearing the parties within a period of eight weeks from the date of filing of such



appeal.

7. Needless to state here that the issue of limitation, if any, arises, the same may be considered as the petitioner was pursuing the matter before this Court.

8. With above observation & direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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