

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18129 of 2024

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Samsul Haque Azad Son of Khalilur Rahman Resident of Village- Bhami,
P.S.- Kadwa Bhari Katihar, District- Katihar (Bihar).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director (Secondary Education), Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director, Purnea.
5. The District Education Officer, Katihar.
6. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Katihar-cum-Member secretary, Secondary/Higher Secondary Niyojan Samiti, Katihar.
7. The District Magistrate, Katihar.
8. The Divisional Commissioner, Purnea.
9. The Member, District Teacher Appointment Appellate Tribunal, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s :Mr.Md. Imtiyaz Hussain, Advocate

For the Respondent/s :Mr.Swapnil Kr.Singh, AC to Government Pleader (19)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-12-2024

Heard learned counsel for the parties.

2. This writ petition has been filed for directing the respondents to issue appointment letter in favour of the petitioner on the post of Zila Parishad Higher Secondary Teacher with effect from the date of appointment made in 2nd round of Zila Parishad Higher Secondary Teacher Niyojan, 2008 as well as all the consequential benefits arising thereto as per the order of the DDC cum Executive Officer, Zila Parishad, Katihar.

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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