

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.204 of 2023

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Umesh Prasad Son of Shiv Shankar Prasad, Resident of Village- Nagarpura,
P.S.- Barka Sighanpura, District- Buxar.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna
2. The Director, Secondary Education, Bihar, Patna
- 3 . The Deputy Director, Secondary Eduation, Bihar, Patna
4. The District Magistrate, Buxar.
- 5 . The District Education Officer, Buxar.
6. TheDistrict Programme Officer, Buxar.
7. Member Secretary, Block Teacher Appointment Samiti cum Block
Development Officer Simri, Buxar.
- 8 . The Head Master, Middle School, Parmanpur, Block- Simri, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-12-2024 Heard learned counsel for the parties.

2. This writ application has been filed for quashing of the memo no. 1392 dated 08.09.2020 issued under the signature of Member Secretary, Block Teacher Appointment Samiti cum Block development Officer Simri Buxar dated 07.09.2020 whereby and where under service of the petitioner has been dismissed for the present service without any show cause .

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 petitioner 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 petitioner has 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, petitioner is directed to file an application before the District Appellate Authority in accordance with law.

6. In the event, such application is filed by the petitioner, 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 petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India .

(Prabhat Kumar Singh, J)

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