

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18500 of 2022

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Vibha Kumari D/o Parshuram Shahi, Resident of Village- Balthari, P.O.-
Balthari, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.
6. The Block Education Officer, Kuchaikot, District- Gopalganj.
7. Panchayat Secretary, Gram Panchayat Raj- Bhoptapur, Kuchaikot, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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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 for the respondent/State.

2. This writ petition has been filed for directing the respondents concerned to issue appointment letter to the petitioner appointing her as Panchayat Teacher in the Gram Panchayat Raj Bhoptapur, Kuchaikot, District- Gopalganj as appointment letter has not been issued to her as yet despite completing all the process of selection procedure of the post in question in the light of order dated 06.02.2017 passed by the District Appellate Authority, Gopalganj in Appeal No. 108/2012,



106/2012, 110/2012 and other analogous appeal by which the District Appellate Authority, Gopalganj was pleased to hold that the earlier selections/ appointments made in Bhoptapur Gram Panchayat are not in accordance with law and hence, Appointment Committee, Bhoptapur was directed to do the needful; whereafter several similarly situated persons have been issued their appointment letters, but the case of the petitioner has been discriminated.

3. At the outset, learned counsel for the State raises preliminary objection on the maintainability of writ petition and submits that as a matter of fact petitioner has filed writ petition for execution of order dated 06.02.2017 passed in Appeal No. 108/2012, 106/2012, 110/2012 and other analogous appeal by the District Appellate Authority, Gopalganj. Learned counsel submits that in case of non-compliance of order of the District Appellate Authority, the petitioner has got statutory remedy to approach before the State Appellate Authority under Rule 16 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (for short “Rules, 2020”).

“16. Power to impose Punishment:- In case of non-compliance of the order/direction or in case of any complaints by the party for compliance of the



order:-

(i) The Appellate Authority shall impose punishment against-concerned party but he will be given adequate opportunity of hearing before imposing punishment.

(ii) The Appellate Authority may impose penalty upto Rs. 50,000/- (Fifty thousand only) upon the answerable party. The amount of penalty shall be deposited in the Treasury under the head indicated by the Department. The amount of penalty shall be recoverable by way of Public demand.

(iii) The Appellate Authority shall have jurisdiction to make recommendation to the concerned Department to initiate Departmental proceeding or to take necessary action against the delinquent employee under the provisions of Bihar Service Code/Bihar Panchayat Raj Act 2006/Bihar Municipal Act 2007 and other relevant provisions.”

4. It is settled law that where a right or liability is created by a statute which gives special remedy for enforcing it, the remedy provided by the statute alone must be availed of. Any individual grievance still pending or not redressed, can be taken up before the concerned District Appellate Authority/State Appellate Authority by filing an appeal. In the present case, since the petitioner has got statutory alternative remedy before the State Appellate Authority under Rule 16 of the Rules, 2020, this Court is not inclined to interfere in the matter in its extraordinary writ jurisdiction and directs the petitioner to seek



remedy before the State Appellate Authority.

5. 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.

6. With above observation and direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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