

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17053 of 2023

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Bachcha Rai Son of Late Raghunath Rai, Resident of Ward No. 14, Lakari, Lakri, Police Station-Lakri Naviganj, District-Siwan. At present posted and working as a Prakhanda Teacher in Govt. Upgraded Middle School Madhopur, Block-Lakri Naviganj, District-Siwan.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Additional Chief Secretary-cum-Principal Secretary, Education Department, Govt. of Bihar, Patna
- 3 . The Director, Primary Education, Education Department, Bihar, Patna
4. The District Magistrate, Siwan
- 5 . The District Education Officer, Siwan
6. The District Programme Officer (Establishment) Education, Siwan
7. The Block Development Officer, Block-Lakri Naviganj, District-Siwan
- 8 . The Block Education Officer, Block-Lakri Naviganj, District-Siwan
9. The Block Panchayati Raj Officer, Block-Lakri Naviganj, District-Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Md. N.H. Khan (Sc1)
		Mr. Md. Fazle Karim , AC to SC 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2024 Heard learned counsel for the parties.

2. This writ application has been filed for the following reasons :-

(i) To direct the respondent authorities concerned to make payment of two days salary of Rs. 2745/- deducted from the salary of the petitioner for the month of March, 2023 and also for payment of full salary for the month of August and September, 2023 as the same has arbitrarily been stopped by the



Block Education Officer, Lakri Naviganj, District – Siwan .

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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