

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19059 of 2024

1. Virendra Narayan Singh S/o- Late Ramanand Singh Resident of Village- Sonmati, P.O.- Patharahi, Via- Khutauna, District- Madhubani, Retired Principal, S.G.S.M.S.M.N.N.J. Inter College, Khojedih, Ladniyan, District- Madhubani.
2. Dhyani Singh S/o- Mahadev Singh Resident of Village and P.O.- Khajedih, P.S.- Ladania, District- Madhubani, Retired Lecturer (Mathematics), S.G.S.M.S.M.N.N.J. Inter College, Khojedih, Ladniyan, District- Madhubani.
3. Samita Kumari W/o- Subhash Chandra C/o- Kuldeep Mehta (Retired Teacher), Resident of Mohalla- East of Labour Office, Ward No. 12, Gautam Nagar, Gangjala, District- Saharsa, presently working as Lecturer (Sociology), S.G.S.M.S.M.N.N.J. Inter College, Khojedih, Ladniyan, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Director (Saikshanik), Bihar School Examination Board, Bihar, Patna.
5. The Chairman, Bihar School Examination Board, Bihar, Patna.
6. The Secretary, Bihar School Examination Board, Bihar, Patna.
7. The Regional Deputy Director of Education, Darbhanga Pramandal, Darbhanga.
8. The District Magistrate, Madhubani.
9. The District Education Officer, Madhubani.
10. The Chairman S.G.S.M.S.M.N.N.J Inter College, Khojedih, Ladniyan, District- Madhubani.
11. The Secretary-cum-Principal, S.G.S.M.S.M.N.N.J., Inter College, Khojedih, Ladniyan, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rama Kant Singh, Advocate
For the Respondent/s	:	Mr.Government Pleader (13)
For the BSEB		Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER



2 17-12-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for directing the respondents to give the arrears of aid amount which has not been given to the petitioners since 2006-08 as well as to pay 70% of the proportionate amount of college income through internal sources which has been fixed according to Margdarsika published in 2017.

3. At the outset, learned counsel for the State raises preliminary objection and submits that the petitioners 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 petitioners 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 petitioners have 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 petitioners 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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