

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16975 of 2023**

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Shailesh Kumar Gupta Son of Shivji Sah Resident of Village Bangra, P.S.  
Mashrakh, District- Saran

... .. Petitioner/s

Versus

- 1 . The State of Bihar Through Additional Chief Secretary, Department of Human Resource Development, Govt. of Bihar, Patna.
2. Regional Deputy Director, Education, Saran at Chapra
- 3 . District Education Officer, Gopalganj.
4. District Programme Officer (Estb.) cum Nodal Officer, Vigilance Cell, Gopalganj.
- 5 . Block Education Officer, Baikunthpur, Dist- Gopalganj
6. Secretary, Teacher Employment Unit, Gram Panchayat Raj Bakhri, Block- Baikunthpur, Dist- Gopalganj.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------------------------|
| For the Petitioner/s | : | Mr. Prabhakar Singh, Advocate             |
| For the Respondent/s | : | Mr. Kapileshwar Pd. Yadav (Gp11)          |
|                      |   | Mr. Santosh Chandra Bhaskar , AC to GP 11 |

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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 quashing of the Memo No. 4 dated 26.08.2023 issued by the Panchayat Teacher Selection unit, Gram Panchayat Raj Bakhri Baikunthpur whereby the service of the petitioner as Panchayat Teacher has been terminated.

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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