

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17925 of 2024**

Manish Kumar S/o Brijanandan Prasad Mahto R/o Village-Jagdis Paran P.O.  
Jagdis Paran District -Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Education Officer, District-Patna.
5. The District Programme Officer, District-Patna.
6. The Block Development Officer, Bihta, District-Patna.
7. The Block Education Officer, Bihta, District-Patna.
8. The Block Panchayat Raj Officer, Bihta, District-Patna.
9. The Secretary, District Appellate Authority, Patna.

... .. Respondents

**Appearance :**

For the Petitioner/s : Mr.Abhash, Advocate  
For the Respondent/s : Mr.AB Sinha, Government Advocate (08)  
Mr. Suryakant Kumar, AC to GA 8

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      27-11-2024                      Heard learned counsel for the parties.

2. This writ petition has been filed for following reliefs:-

*(I) To issue an appropriate order/orders, direction/ directions including a writ preferably in the nature of CERTIORARI for quashing the order vide Memo No.-399 dated 17.08.2023 passed by the Secretary, Block Niyojan Committee cum Block Panchayat Raj Officer, Bihta whereby and whereunder appointment of petitioner done by recruitment Committee is illegal and no any legal benefit can be given to petitioner and service of petitioner to the post of teacher is terminated. quash the order passed by presiding Officer, District Education Appellate Authority, Patnavide memo no.-396 dated 25.11.2020 whereby and whereunder the service of petitioner was*



*terminated.*

*(II) To quash the order passed by presiding Officer, District Education Appellate Authority, Patna vide memo no.-396 dated 25.11.2020 whereby and whereunder the service of petitioner was terminated which is against the principle of Natural Justice but petitioner is not reinstated to service to that extent. which is against the principle of Natural Justice but petitioner is not reinstated to service to that extent.*

*(III) To quash the order vide memo no.-90 dated 11.07.2016 passed by Block Development Officer, Bihta whereby and whereunder the service of petitioner has been terminated on the ground that during enquiry of educational, pre-educational and other records of Niyojan year 2010, the name of petitioner is not in the final merit list of year 2010.*

*(IV) To direct the respondents to reinstate the petitioner in service from which he has been terminated and to pay full salary to the petitioner which has been withheld during his termination i.e. from 11.07.2016 and arrear of salary from July 2015.*

3. At the outset, learned counsel for the State raises preliminary objection and submits that the petitioner 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 petitioner 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 petitioner has 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 petitioner 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)**

shashi/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

