

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19112 of 2024

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Suman Kumari Wife of Saroj Kumar, Resident of village- Dadawa, P.S.-
Mohania, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar Secretary of Human Resources Development Department, Bihar at Patna.
2. The Director of Secondary Education, Bihar at Patna.
3. The Regional Deputy Director of Education, Region-Patna, Bihar at Patna.
4. The District Magistrate, Kaimur at Bhabua.
5. The District Education Officer, Bhabua, District Kaimur at Bhabua.
6. The District Program Officer, Establishment, Bhabua, District Kaimur at Bhabua.
7. The Block Development Officer, Adharua cum Secretary of Teacher Appointment Committee, Adhaura, District Kaimur at Bhabua.
8. The Block Education Officer, Adhaura, District- Kaimur at Bhabua.
9. The Block Welfare Officer, Adhaura, District- Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey
For the Respondent/s : Mr.Standing Counsel (15)

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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 petition has been filed for quashing Letter no. 420 dated 27.7.2024 by which petitioner has been transferred to some other school.

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)

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