

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18765 of 2024

Markandey Kumar S/o Late Hareram Ray Resident of Village- Narhi, P.O.-
Baghi, P.S.- Sahar, District- Bhojpur ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
 2. The Director Primary Education, Govt. of Bihar Patna
 3. The District Magistrate, Bhojpur
 4. The District Program Officer, Bhojpur.
 5. The District Education Officer, Bhojpur.
 6. The Block Panchayati Raj Officer, Ara Sadar, Bhojpur.
 7. The Panchayat Teacher Employment Unit, Sanadiya, Ara Muffasil, District Bhojpur through its Panchayat Secretary-cum-Secretary Panchayat Teacher.
 8. The Panchayat Secretary-cum-Secretary Panchayat Teacher Employment Unit, Sanadiya, Ara Muffasil, District Bhojpur
 9. The Mukhiya, Gram Panchayat Sanadiya, P.O- Sanadiya, Block- Ara Muffasil, District Bhojpur.
 10. The Headmaster, Primary School Sanadiya, Ara Muffasil, Bhojpur
- Respondents

Appearance :

For the Petitioner/s : Mr.Ram Kumar Singh, Advocate
For the Respondent/s : Mr.Satya Vrat, AC to Government Pleader (10)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

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

“To direct the Respondents to accept joining of the Petitioner as basic grade teacher in pursuance to the letter issued vide memo no- 1255 dated 24.03.2023 by the District Program Officer, Bhojpur, Ara as contained in Annexure- P5 and subsequent order dated 09.01.2024 passed by the District Appellate Authority, Bhojpur as contained in Annexure-P:9(II). Further, take legal action against the erring Respondents who are disobeying the order passed by the District Appellate Authority, Bhojpur and not allowing joining of the Petitioner teacher inspite of the order of the Appropriate Higher Authorities as well as the District Appellate Forum and make ensure joining of the Petitioner.”

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.

Shashi

U			
---	--	--	--

(Prabhat Kumar Singh, J)

