

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19157 of 2024**

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Ramesh Kumar jha son of Sri Ganesh Jha resident of Village and P.O.-  
Mahinam, Via- Benipur, P.S.- Bahera, District-Darbhangha

... .. Petitioner

Versus

1. The State of Bihar through The Principal Secretary, Department of Education, Government of Bihar, Patna, District-Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna, District-Patna.
3. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
4. The District Magistrate, Darbhanga, District- Darbhanga.
5. The Regional Deputy Director, Education, Kosi Division, Darbhanga, District-Darbhangha.
6. The District Education Officer, Darbhanga, District Darbhanga.
7. The District Programme Officer, (Establishment) Darbhanga, District-Darbhangha.
8. The Block Development Officer, Benipur, District- Darbhanga.
9. The Block Education Officer, Benipur, District- Darbhanga.
10. The Block Teacher Selection/Employment Committee Benipur Block, Darbhanga through the ex-Officio-cum-Block Development Officer, Benipur, Darbhanga, District-Darbhangha.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr.Kaushal Kumar Jha and Jeevesh Kumar, Adv  
For the Respondent/s : Mr.SK Jha, AC to Additional Advocate General (3)

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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 directing the respondents to release salary along with arrears since 4.4.2022 treating the case of the petitioner at par with judgment passed by the Hon'ble Apex Court in case of Man Singh Vs. State of Uttar Pradesh and others and also judgment passed by this Court in C.W.J.C.No. 16214 of 2019 and C.W.J.C.No. 7648 of 2020 and analogous cases.



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.

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**(Prabhat Kumar Singh, J)**

