

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17740 of 2023

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Sudish Kumar Prasad Son of Jaglal Prasad, Resident of Village Bangra, P.S.-
Baikunthpur, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Human Resource Development, Govt. of Bihar, Patna.
2. Director Primary Education, Government of Bihar, Patna.
3. District Education Officer, Gopalganj.
4. District Programme Officer (Estb.) cum Nodal Officer, Vigilance Cell, Gopalganj.
5. Mukhiya, Gram Panchat Raj Parsauni, Block Baikunthpur, District-Gopalganj.
6. Panchayat Secretary, Gram Panchat Raj Parsauni, Block Baikunthpur, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh
For the Respondent/s : Mr. Prabhakar Jha (Gp 27)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-01-2025 Heard learned counsels for the parties.

2. The present writ application has been filed for quashing the order dated 08.12.2022 issued vide letter No.15 by Respondent No.6 terminating the services of the petitioner without any show cause, without any departmental proceeding and without giving any opportunity of being heard in utter violation of the principle of natural justice.

3. At the very outset, learned counsel appearing on behalf of the State raises a 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. As 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 granted liberty to file an application before the District Appellate Authority in accordance with law within a period of six weeks.

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.

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.

(Anjani Kumar Sharan, J)

anand/-

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