

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4537 of 2013

In

Civil Writ Jurisdiction Case No. 9097 of 2009

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PANKAJ KUMAR PRAVIN SON of SRI KANTI KUMAR VERMA,
RESIDENT of VILLAGE - BANGAON SOUTH, P.O. - BANGAON
SOUTH, P.S.-BANGAON, DIST.-SAHARSA

.... Petitioner/s

Versus

1. THE STATE OF BIHAR REPRESENTED THROUGH COMMISSIONER-CUM-PRINCIPAL SECRETARY MR. AMARJEET SINHA, HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVERNMENT OF BIHAR, NEW SECRETARIAT, PATNA
2. THE DIVISIONAL COMMISSIONER, PURNEA MR. PANKAJ KUMAR
3. THE DISTRICT MAGISTRATE, KISHANGANJ MR. ADITYA KUMAR DAS
4. THE DISTRICTY EDUCATION OFFICER, KISHANGANJ MD. GAYASUDDIN.
5. THE DISTRICT SUPERINTENDENT OF EDUCATION, KISHANGANJ, POST ABOLISHED NOW THE DISTRICT PROGRAM OFFICER (ESTABLISHMENT), KISHANGANJ MR. CHANDRA SHEKHAR SHARMA
6. THE DISTRICT TEACHER APPOINTMENT APPELATE AUTHORITY, KISHANGANJ MR. RAMDEO SINGH
7. THE BLOCK DEVELOPMENT OFFICER, MR. PETER MINZ, THAKURGANJ BLOCK DIST.-KISHANGANJ.
8. THE BLOCK EDUCATION OFFICER SHRI MAJLUM ANSARI, THAKURGANJ BLOCK, DISTRICT KISHANGANJ.
9. THE PANCHAYAT SECRETARY, SHRI MD. ISLAM GRAM PANCHAYAT RAJ, DUDHAUNTI, THAKURGANJ, DIST.-KISHANGANJ, THROUGH THE BLOCK DEVELOPMENT OFFICER, THAKURGANJ BLOCK, DIST.-KISHANGANJ.
10. THE THEN PANCHAYAT SECRETARY MD SAKIR ALAM, GRAM POANCHAYAT RAJ, DUDHAUNTI AT PRESENT POSTED AS GRAM PANCHAYAT SECRETARY, BARCHAUDHI PAUWAKHALI THROUGH BLOCK DEVELOPMENT OFFICER, THAKURGANJ, DIST.-KISHAGNAJA.
11. THE MUHIYA SMT. NURJAHAN BEGUM, GRAM PANCHAYAT RAJ, DUGHAUNTI, THAKURGANJ, DIST.-KISHAGANJ.
12. THE HEADMASTER SHRI SARTAJ ALAM, NEW PRIMARY SCHOOL, GUJARMAHI, DUDHAUNTI, THAKURGANJ, DIST.-KISHAGANJ.
13. PRADEEP DATT, SON OF LATE PRAVESH DATTT RESIDENT OF MOHALL - NEW COLONY, THAKURGNJ, PS.S. TAKURGAJ, DIST.-KISHANGANJ
14. TARAK NATH PANDEY SON OF LATE SHASHANK SHEKHAR PANDEY, RESIDENT OF VILLAGE - DHATGATTA, P.S.-THAKURGANJ DIST.-KISHANGANJ

.... Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Respondent/s : Mr. Madhuresh Prasad, GP-12

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-01-2015

Heard learned counsel for the parties.

Having regard to the very limited nature of direction of this Court in the connected writ application wherein the District Teacher Employment Appellate Tribunal was only directed to consider the case of the petitioner and others and take a decision within the fixed time frame, this Court would not find any reason to initiate a proceeding of contempt against the Collector only because upon declaration of the appointment of the petitioner to be valid under the order of the Tribunal, the payment of his salary has not been made.

The submission of Mr. N.K. Singh, learned counsel for the petitioner that since the steps for payment of salary was stayed by the order of this Court in the connected writ application till fresh decision of Tribunal and the same was made subject to the result of the order of the Tribunal and the order of the Tribunal has gone in favour of the petitioner and, therefore, the petitioner ought to have been paid his withheld arrear of salary in the considered opinion of this court, can never be made subject matter of this contempt application because there was no such specific

direction for payment of salary of the petitioner. In a contempt matter, this Court cannot go on supposition or speculation. The action of the opposite parties in a contempt matter will be always have to be gone into in the light of the specific direction given by this Court.

Thus, as noted above since there was no specific direction for payment of salary of the petitioner in the order of this Court in the connected writ application it is not inclined to initiate any proceeding of contempt against the opposite parties. Nonetheless, if the petitioner now has been favoured with the order of Tribunal for payment of salary while upholding his appointment, the opposite parties themselves ought to have paid all such amount and if the petitioner still remains deprived of such amount, he also has a remedy under the same Rule 18 Bihar Panchayat Teacher Appointment Rules to claim his arrear and current salary by bringing this fact to the notice of the Tribunal.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

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