

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9889 of 2013

1. Smt. Geeta Wife Of Binod Kumar Resident Of Village- Sairka, P.S. + District-Sheikhpura, At Present Posted As Panchayat Teacher At Primary School, Schedule Cast Tola, Awgil Under Gram Panchayat Purania P.S. + District- Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources Department, Government Of Bihar, Patna
2. The Director Primary Education, Bihar, Patna
3. The District Education Officer, Sheikhpura
4. The District Programming Officer (Establishment), Sheikhpura
5. The Block Education Officer, Sheikhpura
6. The Headmaster, Primary School Dhadi Tola, Murarpur, P.S. + District-Sheikhpura
7. The Member District Teacher Appointment Appellate Authority, Sheikhpura
8. The Panchayat Secretary, Gram Panchayat Purainia, P.S. District- Sheikhpura

.... Respondent/s

Appearance :

For the Petitioner/s : Mr Devenra Prasad Singh

For the Respondent/s : Mr.Shashi Bhushan Kumar,SC7.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-01-2015

The Court is not willing to relegate the petitioner back to the District Teachers Appointment Appellate Authority, Sheikhpura at this stage because it will be an unnecessary exercise.

The present writ application has been filed by the petitioner because she has not been paid remuneration from the date of her joining on the post of Panchayat teacher, which is 4-1-2011. The petitioner is not the only sufferer,, other persons, who came to



appointed by the Panchayat in the same transaction whose names figured in Annexure-5 of the writ application, moved the District Teachers Appointment Appellate Authority, Sheikhpura, with identical grievance of non-payment of remuneration after their appointment and joining.

A copy of the order passed by the District Appellate Tribunal in the case of other Panchayat teachers, which is dated 29-12-2014, has been tendered to this Court. The Court has gone through the said order, which is a very detailed and well-considered order. The Tribunal has also gone into the aspect of the validity of the appointment and the reason for non-payment of remuneration as well. The finding of the Tribunal is that there was some delay in communication of the appointment of these persons by the Block Education Officer, Sheikhpura which has created problem in relation to appointment. No finding has emerged that there was anything amiss with regard to such selection and appointment. The Tribunal has also taken note of various communication made by the Director, Primary Education and other authorities clarifying that stoppage of payment cannot be done on the ground of delayed communication. A copy of the order passed by the Tribunal is placed on record of the present writ application for any future reference.

If this be so, and the petitioner having been appointed in the

same transaction as Sri Chandra Kishore Tuddu, Sri Sanjay Ram, Smt. Surgyani Kumari etc. , the writ application of the petitioner is allowed.

The respondent-authorities including the Block Education Officer, Sheikhpura and Panchayat Secretary of the Gram Panchayat concerned are directed to ensure that the petitioner is paid her rightful claim not only with regard to the current employment but even the arrears within a period of three months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J)

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