

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6976 of 2011

=====

Ramesh Kumar , son of Yogendra Singh, resident of Village- Bhimpura,
P.O. Ghorahuan, P.S. Masaurhi, Distt.-Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department,
Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Superintendent of Education, Patna.
5. The Block Education Extension Officer, Masaurhi, Patna.
6. The Block Development Officer, Masaurhi.
7. The Member District Teachers Employment Appellate, Tribunal, Patna,
Distt.-Patna.
8. Mukhiya, Noora Gram Panchayat, P.S. Masaurhi, Distt. Patna.
9. Panchayat Secretary, Noora Gram Panchayat, P.S. Masaurhi, Distt.-
Patna.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Satya Deo Kumar, Adv.

For the Respondent/s : AC to SC-15

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 01-02-2016 Heard learned counsel for the petitioner and learned
AC to SC-15.

The petitioner has approached this Court, invoking its
writ jurisdiction under Article 226 of the Constitution of India,
with a prayer to quash an order dated 14.12.2010 vide letter no.25,
issued under the signature of the Panchayat Secretary and
Mukhiya of Noora Gram Panchayat, Noora, Masaurhi, Patna. By
the said order i.e. Annexure-9 to the writ petition, the petitioner

was directed to deposit Rs.93,270/-, which was allegedly paid to the petitioner as honorarium being Shiksha Mitra.

Learned counsel for the petitioner submits that the petitioner was initially appointed as Shiksha Mitra for eleven months, which was extended from time to time and, thereafter, in the year 2006 he was confirmed as Panchayat Teacher. However, subsequently, the petitioner got another job and, thereafter, on 07.06.2007, he tendered his resignation, which was also accepted. He submits that suddenly in the year 2010, the petitioner received the impugned order i.e. letter no.25 dated 14.12.2010 issued under the signature of the Mukhiya and Panchayat Secretary of Gram Panchayat , Noora, Masaurhi, whereby the direction has been given to deposit the amount, received by the petitioner. He submits that the said order was passed purported to be in compliance of order passed by the District Teacher Employment Appellate Tribunal, Patna vide letter no.610 dated 19.10.2010. Learned counsel for the petitioner has drawn my attention to an order dated 29.02.2012 passed by a Bench of this Court in C.W.J.C.No.19866 of 2010. He submits that in the said writ petition, this Court had deprecated the attitude of the District Teacher Employment Appellate Tribunal, Patna and also quashed

the same. He further submits that even in a proceeding before the District Teacher Employment Appellate Tribunal, Patna, the petitioner was not at all made party. In any event, according to learned counsel for the petitioner, the order impugned was passed without affording any opportunity to the petitioner.

Learned State Counsel has tried to justify the stand of the Respondents, but he was not in a position to satisfy the Court as to whether the impugned order was required to be implemented in view of the fact that the basis of said order i.e. order passed by the District Teacher Employment Appellate Tribunal, Patna, was already set aside by this Court. Meaning thereby that the order impugned is completely without jurisdiction and that, too, contrary to the provisions of settled principles of natural justice.

In view of facts and circumstances, particularly the fact that the order of the District Teacher Employment Appellate Tribunal, Patna was already set aside by this Court and prior to passing of the order of the District Teacher Employment Appellate Tribunal, Patna District Teacher Employment Appellate Tribunal, Patna, the petitioner had already resigned, there is no question for asking the petitioner to deposit the amount, which he had received as honorarium. Accordingly, the impugned order dated 14.12.2010

contained in letter no.25 (Annexure-9 to the writ petition) is hereby set aside.

The writ petition stands allowed.

(Rakesh Kumar, J.)

NKS

U			
---	--	--	--