

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5507 of 2011

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Sri Rajesh Kumar S/o Sri Nand Kishore Rai, R/o village Mahua Singh Rai,
PS/PO – Mahua, District – Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Secretary-cum-Commissioner, Human Resource and Development Deptt., Bihar, Patna.
- 1.A.The Director, Primary Education, Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Block Development Officer Mahua Vaishali, PO/PS Mahua, District Vaishali.
4. The Block Education Extension Officer, Mahua, PO/PS/Block – Mahua, District – Vaishali.
5. The Mukhiya Gram Panchayat Raj Mahua Singh Rai PO/PS Mahua, District Vaishali.
6. The Civil Surgeon Vaishali, PO/PS Hajipur Distt. Vaishali.
7. Rama Nand Singh Panchayat Sachiv Gram Panchayat Mahua Singh Rai, PO/PS – Mahua District Vaishali.
8. Mahendra Rai S/o Sonelal Rai resident of village Mahua Singh Rai, PO/PS Mahua District Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mithileshwar Prasad Shukla
For the Respondent/s : AC to Standing Counsel – 2
Mr. Jitendra Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 31-03-2016 Heard learned counsel for the petitioner, learned A.C.
to Standing Counsel – 2 as well as Sri Jitendra Kumar Roy,
learned counsel, who has appeared on behalf of respondent no. 8.

In the present writ petition, filed under Article 226 of
the Constitution of India, the petitioner has made a limited prayer
for directing the respondents particularly respondent no. 7 i.e.
Panchayat Secretary, Gram Panchayat – Muhua Singh Rai,
District - Vaishali to implement an order contained in Memo no.

312 dated 18-09-2010 i.e. **Annexure – 5** to the writ petition passed by the District Teachers Appointment Appellate Authority, Vaishali (hereinafter referred to as “Appellate Authority”).

Sri Jitendra Kumar Roy, learned counsel who appeared on behalf of respondent no. 8 has raised preliminary objection on the point of maintainability of the writ petition. He submits that for implementation of order passed by the Appellate Authority, there is already remedy available to the petitioner. He further submits that in identical situation, in one of the cases, this Court had permitted the concerned person to approach the authority concerned for implementation of the order of the Appellate Authority. However, the learned State counsel has not disclosed any fact that against the order of the Appellate Authority, any appeal has been preferred or not. Sri Jitendra Kumar Roy, learned counsel for the respondent no. 7 submits that he is not having any instruction as to whether any appeal has been preferred or not.

The Court is of the opinion that once an order is passed by an authority, constituted under the statutory provision, all the concerned are required to immediately implement the order unless order of the Appellate Authority is assailed or unsettled by any superior court.

In view of the facts and circumstances, without going into the merit of the case, the Court is of the opinion that the writ petition can be allowed with direction to the respondents particularly respondent no. 7/Panchayat Secretary to implement the order of the Appellate Authority i.e. **Annexure – 5** to the writ petition forthwith, not later than eight weeks from the date of receipt/production of a copy of this order.

The writ petition stands allowed.

(Rakesh Kumar, J.)

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