

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11099 of 2012

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1. Raushan Kumar, S/O Nagshwar Mahto, Village - Sarsari, P.S. - Sarai, District - Vaishali
 2. Bipin Kumar Sahni, S/O Bimal Sahni, Village- Bharatpur, P.S.- Mahua, District - Vaishali
 3. Punam Kumari, D/O Ranvir Kumar, Village- Majhrauli, P.S. - Bidupur, District- Vaishali
 4. Mamta Kumari, W/O Ram Singhashan Singh, Village- Salha, P.S. - Jandaha, District – Vaishali
- Petitioners

Versus

1. The State of Bihar
 2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
 3. The Director, Primary Education, Human Resources Development Department, Government of Bihar, Patna
 4. The District Teacher Employment Appellate Authority, Vaishali at Hajipur, District - Vaishali at Hajipur through the Member
 5. The District Program Officer, Vaishali at Hajipur, District - Vaishali at Hajipur
 6. The Program Officer (Establishment), Vaishali at Hajipur, District - Vaishali at Hajipur
 7. The Block Pramukh, Jandaha Block, District - Vaishali at Hajipur
 8. The Block Development Officer, Jandaha Block, District - Vaishali at Hajipur
 9. The Block Education Extension Officer,-Cum-Secretary, Block Teachers Selection Committee Jandaha Block, District - Vaishali at Hajipur
 10. Md. Khalil, Son of Abdul Aziz, Resident of Village- Basti Sarsikan, P.O.- Kishanpur Telaur, Patepur, P.S.- Patepur, District - Vaishali at Hajipur
- Respondents
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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Dinbandhu Singh, GP9

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 22-01-2016

Heard learned counsel for the petitioners, State and private respondent.

2. The petitioners seek quashing of the order dated 15.10.2011 passed by respondent no.4 in Case Nos. J-57 of 2010, 58 of 2010, 59 of 2010, 61 of 2010, 62 of 2010, 65 of 2010, 67 of 2010, 88 to 95 of 2010 and 10 to 16 of 2011 under Memo No. 959 dated

15.10.2011, whereby respondent no. 4 directed respondent no.9 to cancel total appointment of Block Teachers under Jandaha Block observing that the appointments made by Block Teachers Appointment Committee, Jandaha was illegal. The petitioners have also sought direction to the respondent authorities for payment of salary, which has not been paid since their date of appointment.

3. The case of the petitioners in short is as follows:

An advertisement was issued inviting application for appointment of Block Teachers in Jandaha Block. A number of candidates applied for appointment. Merit list was prepared and the selected candidates were called for counseling. Some of the selected candidates did not turn up and as such appointment letters were distributed on 12.08.2010 to the teachers, who appeared for counseling.

4. In the meantime, one Md. Khalil and others filed a complaint before the District Teacher Employment Appellate Authority, Vaishali at Hajipur (hereinafter referred to as the 'Appellate Authority') on 03.09.2010 alleging that though they were selected, but they were not given appointment letters.

5. None of the other teachers, who were selected and appointed, were made parties. In the proceeding, a report was submitted by the District Programme Officer vide letter no. 955 dated 27.09.2009 stating that the selection was not made in accordance with

law. The Appellate Authority as such cancelled the selection process and directed the Selection Committee to start a fresh proceeding for selection.

6. Being aggrieved, some of the teachers, who were selected and appointed, moved this Court in writ jurisdiction being C.W.J.C. No. 19770 of 2011, which was heard analogous with other case. The writ application was disposed of by order dated 21.01.2013 with the following directions:

“In the facts and circumstances of the case, the petitioners would appear before the Appellate Tribunal within three weeks from today. On so appearing the appellate tribunal would give a copy of the enquiry report with liberty to them to place their case and meet the points raised in the enquiry report. The Appellate tribunal would give fresh hearing to the petitioners on this issue.

With the aforesaid liberty to the Appellate tribunal to proceed afresh, the impugned order dated 15.10.2011 is quashed.

Petitioners would co-operate in the proceeding. The court has not expressed its opinion on the merits of the case.

It is expected that the Appellate tribunal would dispose of the matter on remand within three months from the date of receipt/production of a copy of this order.”

7. This Court vide order dated 03.07.2012 directed the case to be listed along with C.W.J.C. No. 19770 of 2011. It was further observed that during the pendency of the writ application, there shall be similar interim order as in C.W.J.C. No. 19770 of 2011.

8. The petitioners in the instant writ application has challenged the same impugned order dated 15.10.2011, which was challenged in C.W.J.C. No. 19770 of 2011, disposed of on 21.01.2013 and the order of the Appellate Authority was set aside.

9. As the case of the petitioners is similar, the impugned order, dated 15.10.2011 of the appellate authority is set aside. The petitioners too would appear within ten weeks from today and on their appearance, the Appellate Authority will give a copy of the enquiry report with liberty to them to place their cases and meet the points raised in the enquiry report.

10. So far as payment of remuneration is concerned, the case of the petitioners is that pursuant to issuance of appointment letter on 12.08.2010, they gave the joining in their respective schools and worked to the best of their capacity. However, as some of the selected teachers, who did not appear in panel counseling and were not distributed appointment letters, had filed complaint before the Appellate Authority, their salaries were stopped. The respondents, particularly, Director, Primary Education, District Programme Officer (Establishment), Vaishali and the Block Development Officer,

Jandaha Block would ensure payment of remuneration to the petitioners for the period they had worked in past.

11. The matter could have been disposed of with the aforesaid directions, but for further developments in the matter. It appears that in view of directions contained in order, dated 21.01.2013, passed in C.W.J.C. No. 19770 of 2011, the Appellate Tribunal on remand has again rejected the case vide order dated 05.11.2015. The said order has also been impugned by these writ petitioners by filing I.A. No. 9417 of 2015.

12. In my view, the order of the Appellate Tribunal gives a fresh cause of action and the petitioners, if aggrieved would be at liberty to challenge the same in a fresh writ application.

13. With the aforesaid observations and directions, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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