

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16031 of 2011

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Ram Narayan Mandal, son of Jagdish Mandal, resident of village- Godamtola,
Police Station-Ladania, District- Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Madhubani
3. The Block Development Officer, Ladania, District-Madhubani
4. The Panchayat Secretary, Lakshmaninia Panchayat, District- Madhubani

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Suresh Roy, Sr. Adv.
Mr. Ramesh Jha, Adv.

For the Respondent/s : Mr. Nivedita Nirvikar Govt. Adv.10

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 11-05-2016

Heard Sri Ram Suresh Roy, learned Senior Counsel,
who was assisted by Sri Ramesh Jha, learned counsel for the
petitioner and Smt. Nivedita Nirvikar, learned Govt. Advocate
no.10, who has appeared on behalf of all the Respondents, which
includes the Panchayat Secretary, Lakshmaninia Panchayat,
Madhubani.

2. The petitioner, invoking writ jurisdiction under
Article 226 of the Constitution of India, has made a prayer for
directing the Respondents to appoint him as Panchayat Teacher in
Lakshaminia Panchayat under Ladania Block, District-Madhubani.



The petitioner had earlier raised dispute before the District Teachers Employment Appellate Authority (hereinafter referred to the “Appellate Authority”) vide Case no.576 /2008, which was finally disposed of by order dated 25.03.2011, contained in Memo No.199 dated 19.04.2011 (Annexure-4 to the writ petition). It was submitted that even after the order of the appellate authority, Respondents have not acted upon and the petitioner was thereafter constrained to approach this Court by filing the present writ petition.

3. In this case, earlier notices were directed to be issued to Respondents, particularly Respondent no.4. However, despite valid service of notice, since no counter affidavit was filed on behalf of Respondent no.4/Panchayat Secretary, this Court by its order dated 30.03.2016 directed the Respondent no.2/ the Collector, Madhubani to ensure filing of counter affidavit on behalf of Respondent no.4. It was also directed that if no counter affidavit is filed on behalf of Respondent no.4 within the specified time, the Collector, Madhubani was required to stop all the privileges including emolument/salary of the Respondent no.4. Thereafter, Respondent no.4 has filed counter affidavit on 27th April, 2016. Further counter affidavit was filed on behalf of Respondent no.2, wherein it has been indicated that he has already stopped the salary

of the Panchayat Secretary, namely, Yugeshwar Yadav.

4. In the counter affidavit filed on behalf of Respondent no.4, a stand has been taken that before the appellate authority, he was not noticed nor the petitioner after the order passed by the appellate authority had brought this fact to the notice of Respondent no.4. However, the claim of the petitioner has been controverted by Respondent no.4. Though the petitioner has filed a reply to the counter affidavit of the Respondent no.4, but the fact regarding non-production of order of the appellate authority before Respondent no.4 has not been specifically disputed.

5. Keeping in view the fact that in relation to claim of the petitioner, there is already order passed by the appellate authority, without going into detail, the Court proposes to dispose of the present writ petition with direction to all concerned including Respondent no.4 to take decision in compliance with the order of the appellate authority in accordance with law preferably within a period of three months from the date of receipt/production of a copy of this order.

6. The writ petition stands disposed of.

7. It goes without saying that while taking decision in the matter, the Respondent no.4 may give opportunity to all concern. Keeping in view the fact that Respondent no.2 has already

ensured filing counter affidavit, counter affidavit has been filed by Respondent no.4, the order, whereby the Respondent no.2 was directed to stop salary of Respondent no.4, is hereby recalled.

(Rakesh Kumar, J)

NKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	16-05-2016
Transmission Date	