

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1158 of 2016

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1. H.R.B.D.B. Inter College, Gangpur Siwan, through its Principal, Jitendra Kumar Singh, S/o Late Raghuvansh Singh, Village- Chitaur, P.O.- Jaichjor, P.S.- Aandar, Distt- Siwan.
 2. Vijay Shankar Dubey, Secretary, HRBDB College, Gangpur, Siwan, Siwan.

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Department of Education.
2. The Principal Secretary, Department of Education, Patna, Bihar.
3. The Director, Bihar School Examination Board, Department of Education, Bihar, Patna.
4. The District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Teacher Appellate Tribunal, Siwan.
7. Satyendra Nath Pathak, S/o Chandrika Pathak, Vill+P.O.+P.S.- Malkan, Distt- Siwan.
8. Kunj Bihari Tiwari, S/o Suryadeo Tiwary, Vill- Polavi Tiwary, P.O.- Dumraia, Distt- Deoria (U.P.)
9. Sanjay Kumar Mishra, Son of Hari Shankar Mishra, Vill- Subham Mahi, P.O.+P.S.- Jagadra, Distt- Balia (U.P.)
10. Chandeshwar Srivastava, Vill- Surapur, P.O.+P.S.- Chapia, Distt- Siwan.
11. Satyendra Nath Pathak, Son of Chandrika Pathak, Vill+P.O.+P.S.- Malkan, Distt- Siwan.

.... Respondents

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Appearance :

For the Petitioners : Mr. Kunal Tiwary, Advocate
For the State : Mr. Nadeem Seraj, G.P.20

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 11-04-2016

Heard counsel for the petitioners, counsel for the Bihar School Examination Board and counsel for the State.

2. Petitioners have moved the High Court for quashing of the order dated 16.05.2015, passed in Appeal No.427/2014 by District Teachers Employment Appellate Authority, Siwan on the ground that the District Teachers Employment Appellate Authority,

Siwan has itself decided earlier in Appeal No.428/2014, copy of which is Annexure-3, that disputes about the managing committee and their decision are not subject matter which can be brought before the tribunal in terms of the provision known as the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015.

3. Despite such a position taken by the tribunal earlier on 08.09.2014, it has entertained the present appeal and passed orders giving direction upon the Principal of the college to make payment from the grant received from the State Government.

4. The contradiction in terms which the petitioner is perceiving between the two stands of the tribunal contained in Annexure-1 and 3 are based on a wrong understanding of the reading of the two orders. The nature of the issues raised in the two proceedings are different, therefore, two different orders have been passed.

5. The rule in question primarily has been enacted by the State of Bihar to create a forum for disputes between the management and the teaching or the non-teaching employees of such institutions run by the State of Bihar even for those institution which is receiving aid and assistance from the State of Bihar, which primarily relates to the use, utilization and distribution of such aids and assistance. The order passed in Annexure-1 relates to the dispute with regard to the allocation and payment to the employees from the

aid received from the State Government and, therefore, the tribunal decided to entertain and shoulder the responsibility for which such forum has been created.

6. A reading of the order in entirety will establish this position and the tribunal had been very conscious of this fact, as to the nature of the dispute, which it was going to entertain and decide.

7. The Court, therefore, after examining the provisions as well as the content of the two orders Annexure-1 and Annexure-3 comes to a considered opinion that the District Teachers Employment Appellate Authority, Siwan has committed no error in entertaining the dispute in Annexure-1 and the tribunal was also correct while passing Annexure-3 that it had no powers to entertain dispute relating to the managing committee or the management as such.

8. No interference, therefore, is warranted with Annexure-1 as it does not suffer from any legal vice. Writ is dismissed.

(Ajay Kumar Tripathi, J.)

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