

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.389 of 2013

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1. Shankar Ram, Son of Late Kamal Ram, Resident of Village Sirauna, P.S.- Shikarganj, District- East Champaran
 2. Sandip Kumar, Son of Ganesh Prasad, Resident of Village- Shikarganj, P.S.- Shikarganj, District- East Champaran
 3. Priti Devi, Wife of Anil Kumar, Resident of Village Sirauna, P.S.- Shikarganj, District- East Champaran

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Director Primary Education, Government of Bihar, Patna
3. The District Teacher Employment Appellate Authority, East Champaran, Motihari
4. The District Magistrate, East Champaran, Motihari
5. The District Education Officer, East Champaran, Motihari
6. The District Superintendent Of Education-Cum-District Programme Coordinator, East Champaran, Motihari
7. The Block Development Officer, Chiraiya Block, District East Champaran
8. The Block Education Extension Officer, Chiraiya Block, District East Champaran
9. The Mukhiya, Gram Panchayat Raj Sirauna, P.S. Chiraiya, District East Champaran
10. The Panchayat Secretary, Gram Panchayat Raj Sirauna, P.S. Chiraiya, District East Champaran
11. The Block Welfare Officer, Block- Chiraiya, District East Champaran
12. Raj Kishore Dinkar, Son of Late Jamdar Ram, Resident of Village Sirauna, P.S. Chiraiya, District East Champaran
13. Ram Swaroop Pandit, Son of Ginish Pandit, Resident of Village Sirauna, P.S. Chiraiya, District East Champaran
14. Manish Verma, Son of Ram Ayodhya Prasad Verma, Resident of Village Ganga Pipar, P.S. Dhaka, District East Champaran
15. Fatima Begham Wife of Md. Meraz, Resident of Village Kathmalia, P.S. Shikarganj, District East Champaran

.... Respondent/s

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Appearance :

For the Appellants	: Mr. Raja Ram Mishra, Advocate
For the State	: Mr. Pratik Kumar Sinha, Advocate
For respondent 14	: Mr. Navin Prasad Singh, Advocate
	Mr. Rajesh Kumar Pandey, Advocate
For respondent 15	: Mr. Pravin Kumar Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 18-07-2016

Appellants are aggrieved with part of the order passed by the learned Single Judge by which the learned Single Judge while remanding the matter to the District Teachers Employment Appellate Authority, East Champaran, Motihari (for short the Authority) for reconsideration has refused to order reinstatement of the appellants in the meantime.

Having considered the matter and heard the parties, we are disposing of this letters patent appeal at this stage itself.

It is not in dispute that the appellants were appointed as Siksha Mitra in the year 2004. They continued as such and were absorbed as Panchayat Teacher when in 2006 Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006 came. These rules, inter alia, provide that any dispute would be resolved by the Block Development Officer. This was Rule 18. Thereafter in 2008 after 1st phase of recruitment as Panchayat Teacher was over, Rule 18 was substituted by the Authority. It is not in dispute that the appellants' appointment was cancelled by the Selection Committee of the Panchayat after they had been absorbed as Panchayat Teachers. Against this cancellation appellants moved the Authority unsuccessfully and then came to this Court in writ petition whereby order of the Authority was set aside and the case remanded for reconsideration. However, learned Single Judge while remanding the matter did not accede to the prayer that they should be reinstated

in service in the meantime and it is to this part that the appeal has been filed.

In our view, the status of the appellants being that of already removed Panchayat Teachers, as an interim measure, they cannot be granted the final relief of reinstatement. Their reinstatement by virtue of orders of this Court would be contingent upon the ruling of the Authority. Thus, in our view, learned Single Judge was right in not directing reinstatement. We, however, direct the Authority to take up the matter on its own merit and hear the appeal at the earliest and after hearing the parties decide the same within a period of three months from the date of receipt/ production of a copy of this order. But we cannot grant restoration of appellants' service, which would be dependent upon the order that is to be passed ultimately by the Authority.

This appeal is, accordingly, disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

AFR/NAFR	
CAV DATE	
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