

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13999 of 2011

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Satrughan Yadav S/o Late Sheo Nath Yadav R/o Village-Nawgawan, P.S.-
Jogapatti, District -West Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, West Chammparan, Bettiah.
3. The District Education Officer, West Champaran, Bettiah.
4. The Panchayati Raj Officer, West Champaran, Bettiah.
5. The Block Development Officer, Jogapatti Block, District -West Champaran.
6. The Mukhia, Gram Panchayat Raj Hathia, Block-Jogapatti District West Champaran.
7. The Panchayat Secretary, Panchayat Raj, Hathia Block-Jogapatti, Distt.- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Dwivedi

For the Respondent/s : Mr. Kumar Priya Ranjan SC23

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 11-03-2016 Heard Sri Prabhakar Dwivedi, learned counsel for the
petitioner and Sri Kumar Priya Ranjan, learned SC No. 23.

In the present petition filed under Article 226 of the Constitution of India the petitioner has made a limited prayer to direct the respondents particularly the respondent no. 6 and 7 to implement the order passed by the District Teacher Appointment Appellate Authority, West Champaran (hereinafter referred to as “the appellate authority”) in Case No. 440 of 2010. By the said order the appellate authority issued direction to the selection unit to issue appointment letter in favour of the petitioner after

completing certain formalities. The said order was passed on 24.1.2011. However, same has not been implemented till date.

Learned State Counsel by way of referring to the averment made in the counter affidavit submits that the District Magistrate as well as Block Development Officer had also issued direction to the respondent no. 6 and 7 to take step in the light of the order of the appellate authority. However, same has not been implemented till date. It appears that the concerned Panchayat Secretary, Panchayat Raj, Hathia, Block – Jogapatti, District - West Champaran has not taken any step for implementing the said order.

In this case earlier by order dated 14.3.2012 notices were issued to the respondent no. 6 and 7 i.e. Mukhiya and Panchayat Secretary of the concerned Panchayat. However, despite valid service of notice they have preferred not to appear.

The writ petition is being disposed of even in absence of respondent no. 6 and 7. Fact remains that the order has been passed by a duly constituted authority by the State Government i.e. District Teacher Appointment Appellate Tribunal. Once an order is passed by a statutory authority in normal course it is the duty of all concerned to implement the same without any question. In view of the facts and circumstances particularly the fact that

even after interference of the district administration the order has not been complied with by the respondent no. 6 and 7 this court directs the respondent no. 6 and 7 to forthwith implement the order dated 24.1.2011 passed by the Member, District Teacher Employment Appellate Authority, West Champaran. The order must be complied with in its letter and spirit within a period of six weeks from the date of receipt / production of a copy of this order.

The writ petition stands allowed.

It is made clear that the concerned District Magistrate may also take appropriate step ensuring implementation of the order of the Tribunal. If within the time fixed by this court order of the District Teacher Appointment Appellate Tribunal is not implemented, the District Magistrate is directed to stop all the privileges including monetary benefit which is being provided by the State to the respondent no. 6 and 7.

(Rakesh Kumar, J)

Praful/-

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