

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2668 of 2015

IN

Miscellaneous Jurisdiction Case No. 1627 of 2013

- =====
1. Md. Salahuddin, Son of Late Abdul Ahad, Resident of Bishambharpur Ailoth, P.S. - Musrigharari, District - Samastipur.
 2. Md. Kamaluddin, Son of Late Abdul Mabood, Resident of Bishambharpur Ailoth, P.S. - Musrigharari, District - Samastipur.
 3. Md. Jalil Ahmad, Son of Late Farmood Husain Resident of Sahugarh, P.S. and District - Madhepura. Petitioners

Versus

1. The State of Bihar, through the Secretary R.K. Mahajan, Education Department Govt. of Bihar, Patna, New Secretariat, Bailey Road, Patna.
2. Lakshman Kumar Singh, the Special Director, Secondary Education, Govt. of Bihar, New Secretariat, Baily Road, Patna.
3. B.K. Ojha, the District Education Officer, Samastipur, District - Samastipur.
4. Ram Chandra Mandal, the D.P.O. (Estb.) Samastipur.
5. Afzal Hussain, Secretary, Managing Committee of Madarsa Faizul Ullom Chand Chaur, Rahim Tola, P.S. - Ujiarpur, District - Samastipur.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Pratik Kumar Sinha, Advocate

For the Respondents : Smt. Binita Singh, GP-31

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 29-06-2016

The dispute and the belligerent attitude of the State and the authorities are evident from orders dated 14.01.2015 and 19.12.2014 passed in M.J.C. No. 1627 of 2013 which arose out of C.W.J.C. No. 5595 of 1995. Pursuant to the writ order, payments were made to the petitioners, but subsequently, merely because someone filed an appeal against an order subsequently passed by the Madrasa Board, State has stopped making payments. The action of the State is as if the Appellate Authority has stayed the order of this Court. The Appellate Authority cannot sit over orders of this Court.

2. Till a contrary finding of fact to the extent permissible

in law is given by the Appellate Authority, the situation, which followed the High Court order, would continue. In other words, State would be obliged to continue paying, at proper rates, the persons connected with the petitioners' Madrasa. If it is reported to this Court that payments have not been forthwith resumed and fully made, this Court will take a very serious view of the matter against State and its officers.

3. Learned State counsel cannot oppose the position that payments could not have been stopped.

4. Accordingly, in order to purge the contempt, State must forthwith resume payments as was being made at the correct rate subject to whatever order that may be passed by the Appellate Authority.

5. Apparently, as the State is not ready to understand the orders of this Court, it is clarified that notwithstanding pendency of the Appeal before the Appellate Authority, payments have to be resumed forthwith.

6. With this observation, this application stands disposed of.

(Navaniti Prasad Singh, J.)

Rajiv/MEH

U			
---	--	--	--