

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4904 of 2015

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1. Mohan Ram, Son of Sudeshwar Ram, Resident of Village - Sarewa, P.S.- Bhabhua, District - Kaimur.
2. Madhuban Yadav, Son of Motilal Singh, At and P.O.- Ahirauli, P.S.- Buxar, District - Buxar.
3. Bablu Prasad, Son of Sankatha Prasad @ Sankatha Kharwar, Resident at Village - Koindi, P.S.- Chainpur, District - Kaimur.

.... Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Education Officer, Kaimur at Bhabhua.
6. The District Programme Officer (Establishment) Kaimur at Bhabua.
7. The Block Development Officer, Chainpur Block, Kaimur.
8. The Headmaster, Upgraded Middle School Medh, Chainpur, District - Kaimur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Verma, Sr.Adv.
Mr. Prashant Sinha, Adv.
For the Respondent/s : Mr. Anil Kumar Singh, GP-26

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8. 15-02-2017 Heard Sri Rajeev Kumar Verma, learned Senior Counsel, assisted by Sri Prashant Sinha, learned counsel for petitioners and learned State counsel.

Three petitioners have approached this Court, invoking its writ jurisdiction under Article 226 of the Constitution of India with a simple prayer to direct the Respondent authorities to comply the order dated 21.03.2014 passed by the District Teacher's Appointment Appellate Authority, Kaimur at Bhabhua



(hereinafter referred to as “Appellate Authority”) in Appeal No.16/2013.

It was submitted by learned Senior Counsel appearing on behalf of the petitioners that despite the order passed by the “Appellate Authority”, same has not been complied with. By way of referring to Annexure - 5 to the writ petition, he submits that since the order of the “Appellate Authority” was not being complied with by the respondents, the petitioners had approached the “Appellate Authority” for implementation of the order. Even though steps were taken by the “Appellate Authority”, till date the order has not been complied with.

In this case, a counter affidavit has been filed on behalf of respondent no. 7 and a plea was taken that the District Magistrate had directed the official concern to challenge the order of the “Appellate Authority”. However, at the time of the argument, it was accepted by the learned State counsel that till date no appeal or writ petition has been filed against the order of the “Appellate Authority”.

It is unfortunate that the order of an authority, which has been constituted as per Statute, is not being implemented by the officers of the State itself.

Without going into detail of the case, the Court is of



the opinion that the respondents are duty bound to comply the order of the “Appellate Authority” passed in Appeal No. 16/2013. Since against the order, till date, no appeal or step has been taken, the order passed by the “Appellate Authority” has taken its finality.

In view of facts and circumstances, the writ petition stands allowed with direction to all the respondents to implement the order dated 21.03.2014 passed by the District Teacher’s Appointment Appellate Authority in Appeal No. 16/2013 within a period of three months from the date of receipt/production of a copy of this order.

It is clarified that interference by any authority in implementation of the order passed by the District Teacher’s Appointment Appellate Authority shall be termed as disobedience to the order of this Court.

(Rakesh Kumar, J.)

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