

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.791 of 2016

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1. Simmi Kumari, wife of Sri Sanat Kumar Deo, resident of Vill.- Odhanpur, P.O./P.S./Distt.- Nawada.
 2. Shambhu Saran Chouhan, son of Sri Lakhan Deo Chouhan, resident of Vill.- Amipur, P.O.-Nawada, P.S./Distt.- Nawada.

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, H.R.D., Bihar, Patna.
2. Appellate Authority -cum-District Magistrate, Nawada.
3. District Education Officer, Nawada.
4. Panchayat Secretary-cum- Secretary, Employment Unit, Oraina, Nawada.
5. Mukhiya, Oraina Gram Panchayat, P.S./District- Nawada.
6. The Head Master, Primary School, Gordhowa, Oraina, P.S./Distt.-Nawada.
7. Block Education Officer, Nawada.

.... Respondent/s

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Appearance :

For the Appellants : Mr. Sidhendra Narayan Singh, Advocate

For the Respondents : Mr. Rakesh Kr. Shrivastava, Ac to GP-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-04-2017

The learned Writ Court has rightly dismissed the writ petition filed by the petitioners on account of the fact that the High Court cannot execute an order passed by the Appellate Tribunal. The power to execute the order is available to the Appellate Tribunal and, therefore, merely because the order of the Appellate Tribunal is not implemented by the Headmaster, it was not appropriate for the petitioners to approach the Writ Court for getting the order of the Tribunal executed or its compliance made by the Headmaster.



If the order of the Tribunal was not executed or it was not complied with by the Headmaster, the only course available to the petitioners was to approach the Tribunal and get its order implemented and enforced in letter and spirit and dismissing the writ petition on such consideration, the Writ Court has not committed any error.

In view of aforesaid, the appeal is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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