

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.417 of 2015

- =====
1. Md. Asghar Ali son of Abdul Rahman, resident of village- Rahamganj, P.O. Lal Bagh, Police Station- Laheriyasarai, District- Darbhanga, at present posted and working as Panchayat Teacher in Primary School Gorhiya, Anchal Bahadurpur, District- Darbhanga
 2. Shahnaz Begum daughter of Md. Daud, resident of village- Neem Chauk Lal Bagh, P.O. Lal Bagh, Police Station- Sadar, District- Darbhanga, at present posted and working as Panchayat Teacher in newly created Primary School Urdu Sahzan Tol Parari, Anchal Bahadurpur, District- Darbhanga
 3. Ayesha Siddiqua daughter of Abdul Rashid, resident of village- Rahamganj Laheriyasarai, P.O. Lal Bagh, Police Station- Laheriyasarai, District- Darbhanga, at present posted and working as Panchayat Teacher in Primary School Gorhiya Ghat, Anchal Bahadurpur, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Educational Department, Government of Bihar, Patna
2. The Director, Secondary Education, Bihar, Patna
3. The District Magistrate, Darbhanga
4. The District Education Officer, Darbhanga
5. The District Programme Officer (Establishment), Darbhanga
6. The Block Education Officer, Bahadurpur, District- Darbhanga
7. The Mukhiya, Gram Panchayat Raj Bahuara, Block Bahadurpur, District- Darbhanga
8. The Panchayat Secretary, Gram Panchayat Raj Bahuara, Block Bahadurpur, District- Darbhanga
9. The Headmaster, Primary School, Gorhiya, Anchal Bahadurpur, District- Darbhanga
10. The Headmaster, newly created Primary School Urdu Sahzan Tol Parari, Anchal Bahadurpur, District- Darbhanga
11. The Headmaster, Primary School, Gorhiya Ghat, Anchal Bahadurpur, District- Darbhanga

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate
Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. AAG-6

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-05-2017



Heard Mr. P.K. Shahi, learned senior counsel along with Mr. Umesh Kumar Mishra, learned counsel for the petitioners and learned AC to AAG-4 for the State.

2. The grievance of the petitioners is with regard to them not being paid their salary despite having been appointed on the post of Panchayat Teacher in various schools under Panchayat Raj Bahuara, under Bahadurpur Block in the district of Darbhanga.

3. Learned counsel for the petitioners submitted that the issue of their appointment as Panchayat Teachers was the subject matter of Appeal No. 15 of 2013, which was finally decided by order dated 17.07.2013, by the District Teachers Employment Appellate Authority, Darbhanga (hereinafter referred to as the 'Authority') and pursuant thereto, they were given appointment letter and have also joined and working since July, 2013. However, when payment was not being made to them, they represented before the District Education Officer, Darbhanga (respondent no. 4) but instead of making payment, he has raised a controversy and has in fact, taken a stand that the order of the Authority dated 17.07.2013, has been passed on incorrect facts and thus, guidelines have been sought from the superior authorities. Learned counsel submitted that it is a blatant case where the District Officers, who are required to implement the order of the Authority, which is the creation of a statute and its orders



have the force of law till not set aside by a superior Court or Authority, are creating obstacles. It was submitted that the order having become final and till date there being no challenge to the same, the officer, under the garb of there being incorrect facts mentioned in the order of the Authority and seeking guidance from the superior officers, are not entitled to or authorized in law to stop the salary of the petitioners when admittedly they have a valid letter of appointment and after joining are also discharging their duty as Panchayat Teachers without any break.

4. Learned counsel for the State submitted that the respondent no. 4 had sought guidelines, as upon verification of the records, it transpires that the grounds and factual aspects recorded in the order of the Authority dated 17.07.2013 were not correct. It was submitted that in such background, guidelines have been sought. However, learned counsel was not in a position to defend the conduct of the State authorities in not making payment till the date there is a valid order of the Authority in their favour and in compliance thereof they have been appointed and after joining are still working.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the submissions of learned counsel for the petitioners. An order of the Authority, which is valid and enforceable



in law, having been passed and the same not being interfered with or even under challenge before any superior Court or Authority, the consequences of such order shall follow. It is beyond the jurisdiction of any officer to resist such order or its consequences. Once, in terms of the said order, the petitioners have been appointed and they have joined in their respective schools and are also discharging their duties as Panchayat Teachers, the law requires that they should be paid for work being performed by them.

6. Accordingly, the writ petition stands disposed off with a direction to the respondents no. 4 and 8 to ensure that up-to-date payment, including current salary is made to the petitioners within four weeks from the date of production of a copy of this order before them

(Ahsanuddin Amanullah, J)

P. Kumar

AFR/NAFR	
U	

