

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2030 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 5248 of 2017

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1. Sanjay Kumar, S/o Ram Krit Ram, Resident of Village- Bhewar, Post-Chand, Dist- Kaimur (Bhabhua). Presently posted as Panchayat Teacher in new Primary School-Bhankhanpur, Block- Mohaniya, Dist- Kaimur.
 2. Saraswati Devi, W/o Ajay Kumar, Resident of Village- Baraon Kala, P.S.- Akorhi Gola, Dist- Rohtas, Presently posted as Panchayat teacher in new primary School Kaithiyan, Block- Mohaniya, Dist- Kaimur.
 3. Lilawati Kumari, D/o Sri Krishna Sah, Resident of Village and Post-Ramgarh, P.S. Ramghar, Dist- Kaimur (Bhabhua). presently posted as Panchayat teacher Primary School Rasulpur Karamahari, Panchayat-Bharakhar, Block- Mohaniyan, Dist- Kaimur (Bhabhua).
 4. Jitendra Singh Yadav, S/o Late Kapildev Singh Yadav, Resident of Village- Godasara, Post- Ramgarh, P.S.- Ramgarh, Dist- Kaimur (Bhabhua). Presently posted as Panchayat teacher in upgraded Middle School Rasulpur Karamahari, Block- Mohaniyan, Dist- Kaimur (Bhabhua).
 5. Manoj Singh Yadav, S/o Shiv Pujan Singh Yadav, Resident of Village-Sondhi, P.S.- Mohaniya, Dist- Kaimur (Bhabhua). Presently posted as Panchayat teacher in new Primary School Bhawkhanpur, Panchayat-Bharkhar, Block- Mohaniya, Dist- Kaimur (Bhabhua).
 6. Arvind Kumar Singh, S/o Sri Narendra Pratap Singh, resident of Village and Post- Pipariya, P.S.- Mohaniya, Dist- Kaimur (Bhabhua). at present posted as Panchayat teacher in upgraded Middle School Rasulpur Karamahari, Panchayat- Bharakhar, Block- Mohaniya, Dist- Kaimur (Bhabhua).
 7. Ramashish Singh, S/o Bishram Singh, Resident of Village- Bamhaur Khas, P.S.- Mohaniya, Dist- Kaimur (Bhabhua), at present posted as Panchayat Teacher in Upgraded Middle School Rasulpur Karamahari, Panchayat- Bharakhar, Dist- Kaimur (Mohaniya).
 8. Vijay Kumar Patel, S/o Shiv Parsan Choudhary, Resident of Village-Baghini, P.S.- Mohaniya, Dist- Kaimur (Bhabhua), at present posted as Panchayat teacher in new Primary School Kaithiyan, Panchayat-Bharakhar, Block- Mohaniya, Dist- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramchandra Dudu, The Director, Primary Education, H.R.D., Patna, Bihar.
3. Ram Raj Prasad, The District Education Officer, Kaimur (Bhabhua).
4. Yadubansh Ram, The District Program Officer (Establishment), Dist-Kaimur (Bhabhua).
5. Anant Singh, The Block Education Officer, Block-Mohaniycui, Dist-Kaimur (Bhabhua).
6. Arun Kumar Singh, The Block Development Officer, Block-Mohaniya, Dist-Kaimur (Bhabhua).
7. Ram Bachan Sharma, The Panchayat Secretary, Gaam Panchayat Raj Bharakhar, Block-Mohaniya, Dist-Kaimur (Bhabhua).
8. Dwarika Singh, The Mukhiya, Gram Panchayat Raj Bharakhar, Block-



Mohaniyan, Dist-Kaimur (Bhabhua).

.... Opposite Parties

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Civil Review No. 331 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 5248 of 2017

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1. The State Of Bihar.
2. The Director, Primary Education, HRD, Patna, Bihar.
3. The District Education Officer, Kaimur (Bhabhua).
4. The District Programme Officer (Establishment), District- Kaimur (Bhabhua).
5. The Block Education Officer, Block- Mohaniyan, District- Kaimur (Bhabhua).
6. The Block Development Officer, Block- Mohaniyan, District- Kaimur (Bhabhua).
7. The Panchayat Secretary, Gram Panchayat Raj, Bharakhar, Block- Mohaniyan, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. Sanjay Kumar, S/o Ram Krit Ram, resident of Village- Bhewar, Post- Chand, District- Kaimur (Bhabhua). Presently posted as Panchayat Teacher in new Primary School- Bhankhanpur, Block Mohaniya, District- Kaimur.
2. Saraswati Devi, W/o Ajay Kumar, resident of Village- Baraon Kala, P.S.- Akorhi Gola, District- Rohtas, Presently posted as Panchayat Teacher in new Primary School Kaithiyan, Block- Mohaniya, District- Kaimur.
3. Lilawati Kumari, D/o Sri Krishna Sah, Resident of Village and Post- Ramgarh, P.S. Ramghar, Dist- Kaimur (Bhabhua). presently posted as Panchayat teacher Primary School Rasulpur Karamahari, Panchayat- Bharakhar, Block- Mohaniyan, Dist- Kaimur (Bhabhua).
4. Jitendra Singh Yadav, S/o Late Kapildev Singh Yadav, Resident of Village- Godasara, Post- Ramgarh, Post.- Ramgarh, P.S.-Ramgarh Dist- Kaimur (Bhabhua). Presently posted as Panchayat teacher in upgraded Middle School Rasulpur Karamahari, Block- Mohaniyan, Dist- Kaimur (Bhabhua).
5. Manoj Singh Yadav, S/o Shiv Pujan Singh Yadav, Resident of Village- Sondhi, P.S.- Mohaniya, Dist- Kaimur (Bhabhua). Presently posted as Panchayat teacher in new Primary School Bhawkhanpur, Panchayat- Bharkhar, Block- Mohaniya, Dist- Kaimur (Bhabhua).
6. Arvind Kumar Singh, S/o Sri Narendra Pratap Singh, resident of Village and Post- Pipariya, P.S.- Mohaniya, Dist- Kaimur (Bhabhua). at present posted as Panchayat teacher in upgraded Middle School Rasulpur Karamahari, Panchayat- Bharakhar, Block- Mohaniya, Dist- Kaimur (Bhabhua).
7. Ramashish Singh, S/o Bishram Singh, Resident of Village- Bamhaur Khas, P.S.- Mohaniya, Dist- Kaimur (Bhabhua), at present posted as Panchayat Teacher in Upgraded Middle School Rasulpur Karamahari, Panchayat- Bharakhar, Dist- Kaimur (Mohaniya).
8. Vijay Kumar Patel, S/o Shiv Parsan Choudhary, Resident of Village- Baghini, P.S.- Mohaniya, Dist- Kaimur (Bhabhua), at present posted as Panchayat teacher in new Primary School Kaithiyan, Panchayat- Bharakhar, Block- Mohaniya, Dist- Kaimur.

-----Petitioner- Respondents-1st Set.

9. The Mukhiya, Gram Panchayat Raj Bharakhar, Block-Mohaniyan, District- Kaimur (Bhabhua).

-----Respondent-Respondents 2nd Set.



with

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Civil Review No. 332 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 4814 of 2017

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1. The State of Bihar.
2. The Director, Primary Education, HRD, Patna, Bihar.
3. The District Education Officer, Kaimur (Bhabhua).
4. The District Programme Officer (Establishment), District- Kaimur (Bhabhua).
5. The Block Education Officer, Block- Adhaura, District- Kaimur (Bhabhua).
6. The Block Development Officer, Block- Adhaura, District- Kaimur (Bhabhua).
7. The Panchayat Secretary, Gram Panchayat Raj, Dumraon, Block- Adhaura, District- Kaimur (Bhabhua).

.... Respondents- Petitioners

Versus

1. Santosh Kumar Jaisawal, S/o - Umashankar Jaiswal Resident of Village and Post - Amadi, Post - Saitha, Dist - Kaimur (Bhabhua), presently posted as Panchayat Teacher Primary School - Bardihan, Block Adhaura.
2. Sufaida Khatoon W/o Shahnawaz Ansari Resident of Village - Kohari, Post - Darauli, P.S. - Bhabhua, Dist - Kaimur (Bhabhua), presently posted as Panchayat Teacher in Urdu Primary School - Adhaura, Dist - Kaimur.
3. Ramchandra Prasad S/o Sri Ram Murat Ram Resident of village - Nimi, Post Office - Mahauari, Police Station - Sonhan, District - Kaimur (Bhabhua), present working as Panchayat Primary School Jhadapa, Block - Adhaura, Dist - Kaimur (Bhabhua).
4. Kumari Nirmala D/o Sri Haridwar Tiwari Resident of Village - Sivon, Post - Bhabhua, P.S. - Bhabhua, Dist - Kaimur (Bhabhua), presently posted as Panchayat Teacher Girl Primary School Adhaura, Block - Adhaura, Dist - Kaimur (Bhabhua).
5. Radheshyam Singh S/o Sri Tej Bahadur Singh Resident of Village - Sundari, Post - Chakedihara, P.S.- Bhagawanpur, Dist - Kaimur (Bhabhua) presently posted as Panchayat Teacher in Primary School, Bandha, Block - Adhaura, Dist - Kaimur (Bhabhua).

.... Petitioner-Respondents 1st set
with

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Miscellaneous Jurisdiction Case No. 2453 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 4814 of 2017

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1. Santosh Kumar Jaisawal, S/o - Umashankar Jaiswal Resident of Village and Post - Amadi, Post - Saitha, Dist - Kaimur (Bhabhua), presently posted as Panchayat Teacher Primary School - Bardihan, Block Adhaura.
2. Sufaida Khatoon W/o Shahnawaz Ansari Resident of Village - Kohari, Post - Darauli, P.S. - Bhabhua, Dist - Kaimur (Bhabhua), presently posted as Panchayat Teacher in Urdu Primary School - Adhaura, Dist - Kaimur.
3. Ramchandra Prasad S/o Sri Ram Murat Ram Resident of village - Nimi, Post Office - Mahauari, Police Station - Sonhan, District - Kaimur (Bhabhua), present working as Panchayat Primary School Jhadapa, Block - Adhaura, Dist -



Kaimur (Bhabhua).

- 4. Kumari Nirmala D/o Sri Haridwar Tiwari Resident of Village - Sivon, Post - Bhabhua, P.S. - Bhabhua, Dist - Kaimur (Bhabhua), presently posted as Panchayat Teacher Girl Primary School Adhaura, Block - Adhaura, Dist - Kaimur (Bhabhua).
- 5. Radheshyam Singh S/o Sri Tej Bahadur Singh Resident of Village - Sundari, Post - Chakedihara, P.S.- Bhagawanpur, Dist - Kaimur (Bhabhua) presently posted as Panchayat Teacher in Primary School, Bandha, Block - Adhaura, Dist - Kaimur (Bhabhua).

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Ramchandra Dudu, The Director, Primary Education, H.R.D. Patna, Bihar.
- 3. Ram Raj Prasad, The District Education Officer, Kaimur (Bhabhua).
- 4. Yadubansh Ram, The District Program Officer, (Establishment), Dist - Kaimur (Bhabhua).
- 5. Sudhir Keshri, The Block Education Officer, Block - Adhaura, Dist - Kaimur (Bhabhua).
- 6. Pradip Jha, The Block Development Officer, Block - Adhaura, Dist - Kaimur (Bhabhua).
- 7. Awadhesh Tiwari, The Panchayat Secretary, Gram Panchayat Raj Adhaura, Block - Adhaura, Dist - Kaimur (Bhabhua).
- 8. Nurshid Aalam, The Mukhiya, Gram Panchayat Raj Adhaura, Block - Adhaura, Dist - Kaimur (Bhabhua).

.... Respondent/s

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Appearance :

(In MJC No.2030 of 2017)

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, Advocate
For the State : Mr. P.R. Singh, AC to AAG-15

(In C. REV. No.331 of 2017)

For the Petitioner/s : Mr.
For the State : Mr. P.R. Singh, AC to AAG-15

(In C. REV. No.332 of 2017)

For the Petitioner/s : Mr.
For the State : Mr. P.R. Singh, AC to AAG-15

(In MJC No.2453 of 2017)

For the Petitioner/s : Mr. Bijay Shankar Choubey, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, Advocate
For the State : Mr. P.R. Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-09-2017

Heard learned counsel for the parties.

2. M.J.C. No. 2030 of 2017 has been filed alleging



violation of the order dated 02.05.2017, passed in C.W.J.C. No. 5248 of 2017, whereas M.J.C. No. 2453 of 2017, has been filed alleging violation of the aforesaid common order dated 02.05.2017 passed in C.W.J.C. No. 4814 of 2017.

3. The State has also filed Civil Review Application No. 331 of 2017 for review of the order dated 02.05.2017, passed in C.W.J.C. No. 5248 of 2017 and Civil Review No. 332 of 2017, passed in C.W.J.C. No. 4814 of 2017.

4. Learned counsel for the petitioners of Civil Review Applications submitted that the order passed in the writ noted that in view of the affidavit filed on behalf of the State, the salary of the petitioners having been paid, the matter stands disposed off. It was submitted that many cases were heard together including the two writ petitions, which are subject matter of the present batch cases, but in the said two writ petitions, no affidavit was filed on behalf of the State, much less, stating that the salary of the petitioners have been paid. It was submitted that in such view of the matter, the common order in all the cases is factually incorrect.

5. Learned counsel for the writ petitioners do not dispute the aforesaid position.

6. In view thereof, the order dated 02.05.2017 passed in C.W.J.C. Nos. 5248 of 2017 and 4814 of 2017 and analogous cases



stands recalled as far as it relates to the said two writ petitions.

7. Accordingly, the contempt petitions i.e., M.J.C. No. 2030 of 2017 and M.J.C. No. 2453 of 2017, also stand disposed off.

8. The order passed in the writ petitions having been recalled, the writ petitions are being heard with consent of the parties, on merits.

Re.: Civil Writ Jurisdiction Case No. 5248 of 2017

9. The petitioners have moved the Court for the following relief:

“ That the present writ petition is being preferred for the issuance of an appropriate writ/writs, order/orders, direction/directions for commanding the respondents to pay the payment of salary which is dues since the joining of the petitioners and which is not being paid by the respondents authorities after repeated request made by the petitioners for the same and for the other necessary relief/reliefs to the basis of the facts and circumstances of the case as enumerated and stated hereinafter.”

10. It appears that there was an order passed by the District Teachers Employment Appellate Authority, Kaimur (hereinafter referred to as the ‘Authority’) in favour of the petitioners on the basis of which they are claiming payment of salary.

11. Learned counsel for the State submitted that against the said order passed by the Authority in Appeal No. 39 of



2015 dated 16.05.2015, the State has preferred appeal before the State Appellate Authority.

12. Having considered the matter, as the order upon which the petitioners claimed relief is under challenge before the State Appellate Authority, the writ Court, at the present juncture, is not inclined to consider the matter on merits as the same is already pending consideration before the State Appellate Authority.

13. Accordingly, the writ petition stands disposed off with a direction to the State Appellate Authority to pass final orders, in accordance with law, after hearing the parties expeditiously and latest within three months from the date of production of a copy of this order before it.

Re.: Civil Writ Jurisdiction Case No. 4814 of 2017

14. The petitioners have moved the Court for the following relief:

“ That the present writ petition is being preferred for the issuance of an appropriate writ/writs, order/orders, direction/directions for commanding the respondents to pay the payment of salary which is dues since the joining of the petitioners and which is not being paid by the respondents authorities after repeated request made by the petitioners for the same and for the other necessary relief/reliefs to the basis of the facts and circumstances of the case as enumerated and stated hereinafter.”

15. It appears that there was an order passed by the



District Teachers Employment Appellate Authority, Kaimur (hereinafter referred to as the ‘Authority’) in favour of the petitioners on the basis of which they are claiming payment of salary.

16. Learned counsel for the State submitted that against the said order passed by the Authority in Appeal No. 11 of 2013 dated 17.12.2013, the State has preferred appeal before the State Appellate Authority.

17. Having considered the matter, as the order upon which the petitioners claimed relief is under challenge before the State Appellate Authority, the writ Court, at the present juncture, is not inclined to consider the matter on merits as the same is already pending consideration before the State Appellate Authority.

18. Accordingly, the writ petition stands disposed off with a direction to the State Appellate Authority to pass final orders, in accordance with law, after hearing the parties expeditiously and latest within three months from the date of production of a copy of this order before it.

(Ahsanuddin Amanullah, J)

P. Kumar

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