

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9970 of 2015

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Pawan Kumar Saw, S/o Harinandan Saw, Resident of Village- Kurkutta,
P.S.- Sono, District- Jamui.

.... Petitioner

Versus

1. The State of Bihar.
2. The Collector, Jamui.
3. The District Education Officer, Jamui, District- Jamui.
4. The Block Development Officer, Sono Anchal, District- Jamui.
5. The District Teacher Employment Appellate Authority, Jamui through its Member, District Teachers Employment Appellate Authority, Jamui.
6. Mukhiya, Gram Panchayat Loha, Anchal Sono, District- Jamui.
7. The Panchayat Secretary, Gram Panchayat Loha, Anchal Sono, District- Jamui.

.... Respondents

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Appearance :

For the Petitioner/s : Mrs. Shally Kumari

For the Respondent/s : AC to SC - 19

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 06-02-2017 Heard Smt. Shally Kumari, learned counsel for the petitioner and learned A.C. to Standing Counsel – 19.

In the present writ petition, the petitioner has made a very limited prayer for implementation of the order passed by the District Teachers Employment Appellate Authority i.e. Annexure – 3 to the present writ petition.

Earlier, by order dated 16-12-2016, a Bench of this Court had directed the State to ensure filing of the counter affidavit, including that of the Member of the District Teachers Employment Appellate Authority as to why they are not accepting the



application of the petitioner for enforcement of the order when necessary power has been vested.

Till date, no counter affidavit has been filed on behalf of the State. However, at the preliminary stage, learned State counsel objected that this Court may not act as an executing court of District Teachers Employment Appellate Authority (for short “Appellate Authority”).

It is surprising that such statement is being made on behalf of the State. If a statutory body, constituted by the State, has passed an order, it was the duty on the part of the State to ensure implementation of the order, that too the implementation is required to be done by the State officials itself.

In that view of the matter, without wasting any time, the Court proposes to dispose of the writ petition with direction to all the concerned to implement the order of the Appellate Authority i.e. Annexure – 3 to the writ petition. If the order i.e. Annexure – 3 has not earlier been stayed or unsettled by any authority, it is directed that all the respondents would be required to see implementation of the order i.e. Annexure – 3 and any interference by any authority shall be considered as disobedience to the order of the writ court. The order must be complied with within a period of eight weeks from the date of receipt/production of a copy of this order.



The writ petition is allowed.

(Rakesh Kumar, J.)

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