

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5305 of 2017

=====

Nand Kishor Bharti Son of Late Darogi Lal Yadav resident of village -
Babhni, Police Station - Dagarua, District - Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Department of Education, Bihar, New Secretariat Building, Patna.
3. The Education Secretary, Department of Human Resources, Government of Bihar, New Secretariat, Patna.
4. The District Magistrate, Purnia.
5. The District Education Officer, Purnia.
6. The District Programme Officer, Establishment at Purnia.
7. The Block Development Officer Cum the Executive Officer, Dagarua within the district of Purnia.
8. The Block Education Officer at Dagarua within the district of Purnia.
9. The Mukhia, Babhni Panchayat within Dagarua Anchal of the district of Purnia.
10. The Panchayat Secretary at Babhni Panchayat within Dagarua Anchal of the district of Purnia.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Prasad Ambastha, Advocate
For the Respondent/s : Mr. Sunil Kumar, AC to -GA-12

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 09-04-2018 The petitioner has filed the present writ petition for a direction to the respondents to accept the joining of the petitioner in the light of the order passed by the District Teachers Employment Appellate Authority, Purnea dated 21.11.2015, the order contained in Annexure-8, in favour of the petitioner which has not been acted upon as yet.

The The Appellate Authority was constituted in terms of the statutory rule and all concerned are required to



accept the direction issued by the Authority. The respondent-authorities are not expected to sit in appeal against the decision of the Presiding Officer, District Teachers Employment Appellate Authority. In all fairness the respondents ought to have honoured the direction issued by the District Teachers Employment Appellate Authority in its letter and spirit but they are sitting tight over the matter and as a result of their inaction the petitioner is deprived of his legitimate dues which accrued to the petitioner in terms of the Rule.

In the totality of the fact situation, the writ petition is disposed of with a direction to the District Programme Officer, Establishment, Purnea to ensure the joining of the petitioner in compliance of the direction of the District Teachers Employment Appellate Authority in Misc. Case No. 2 of 2015 dated 21.11.2015 within a maximum period of 60 days from the date of receipt/production of a copy of this order.

In case the direction of the Appellate Authority is challenged by the employment unit concerned, namely, Mukhiya and the Panchayat Secretary, liberty shall be available to the District Programme Officer, Establishment, Purnea to bring the matter to the notice of the District Magistrate, Purnea who shall be under obligation to see that the order passed by the



Appellate Authority is acted upon within 60 days in its letter and spirit and the District Magistrate, Purnea, if necessary, take coercive action against the respondent No. 7 to 10 in the matter of joining of the petitioner. The respondent authorities are also required to consider and ensure payment of the arrears as well as current salary to the petitioner within the time frame indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

