

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10363 of 2017

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Gita Devi, Wife of Munna Ram, R/o Village Suhawal, P.S.- Chainpur,
District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Primary Educational & Human Resources Development Department Bihar, Patna.
2. The District Magistrate Kaimur at Bhabua.
3. The District Educational Officer, Kaimur at Bhabua.
4. Block Development Officer, Adhaura, Kaimur at Bhabua.
5. Block Educational Officer, Adhaura, Kaimur at Bhabua.
6. Panchayat Secretary, Village Panchayat Jamuninar, Block- Adhaura, District Kaimur at Bhabua.
7. Panchayat Mukhiya, Village Panchayat Jamuninar, Block Adhaura, District Kaimur at Bhabua.
8. The Headmaster, Primary School Mudehara, P.S. Adhaura, District Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. Narendra Kumar, GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 06-02-2018 Heard learned counsel for the petitioner and State.

The present writ application has been filed by the petitioner for a direction to the respondents to implement the decision of the District Teachers Employment Appellate Authority, Kaimur at Bhabua dated 31.10.2013 in Appeal No. 179 of 2011.

The Appellate Authority after going through the record and after hearing the parties directed the Employment Unit, Jamuninar, Block- Aghaura, District- Kaimur to issue appointment



letter, however the said decision and direction passed by the District Teacher Employment Appellate Authority, Kaimur at Bhabua has not been acted upon even after expiry of 4 years.

We practice the system of Rule of law, but it appears that certain officials feel that they are above the law and they can sit in appeal against the decision of statutory authority. The present writ application is celebrated example of the same. The decision of the appellate authority is binding unless reversed by a competent court of law. The authorities howsoever high is not above law and is not expected to sit in appeal against the decision of the appellate authority. The hostile attitude of the respondents in the present case can be gauged from the fact that they have not implemented the directions of the appellate authority for more than four years.

On 17.11.2017 this Court granted six weeks' time to file counter affidavit, but they have avoided the direction and neither they filed counter affidavit nor any application was filed for extension of time.

In the totality of the facts situation, the Court has reason to believe that the respondents have no respect for the law, since there is adjudication by a competent adjudicatory authority in appeal no. 179 of 2011 vide order dated 31.10.2013, there is no



need to enter into the factual matrix as from the order-sheet contained in Annexure-10, it appears that the petitioner has approached the appellate authority and on various dates and the appellate authority has issued one or the other order for implementation of the direction dated 31.10.2013.

Under the aforesaid compelling circumstance, in stead of keeping the matter pending, the writ application is disposed of with a direction to respondent nos.3 to 8 to implement the direction of the appellate authority dated 31.10.2013 passed in appeal no. 179 of 2011 forthwith and respondent no.2 is also directed to ensure compliance of this order within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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