

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6640 of 2018

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1. Abhay Kumar, Son of Shri Deonarayan Yadav, Resident of Village+Post
Office- Bithauli, P.S.- Behedi, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education
Department, Govt. of Bihar, Patna.
2. The District Programme Officer (Establishment), Darbhanga.
3. The Block Education Officer, Benipur, Darbhanga.
4. The Mukhiya Gram Panchayat Raj Madhopur, Benipur, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Smt. Shilpa Singh- GA-12
Mr. Sunil Kumar, A.C. to G.A.-12.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 08-05-2018 Heard the learned counsel for the petitioner and counsel
appearing on behalf of the State.

The petitioner has filed the present writ application for a
direction to the respondents to implement the direction of District
Teachers Employment Appellate Authority in its letter and spirit.
If it is found that the authorities can sit in appeal then the whole
concept of constituting District Teacher Employment Appellate
Authority for adjudication under the Rule is illusory. The
decision of District Teachers Employment Appellate Authority is
appealable before the State Appellate Authority. The Officers of
the Education Department is not competent to sit in Appeal and



exercise the jurisdiction of the State Appellate Authority. They have the option either to implement the direction of the District Teachers Employment Appellate Authority in its letter and spirit or obtain stay order from the State Appellate Authority or from a competent Court. Since the authorities of the State has not preferred any Appeal and not filed any case before the competent Court challenging the decision of the District Teachers Employment Appellate Authority, they are obliged to implement the decision and direction of the District Teachers Employment Appellate Authority in its letter and spirit, unless contrary order is passed by the competent Forum or superior Court. In the aforesaid circumstances, the respondents are directed either to obtain the order of stay from a competent Court or Forum within a period of three months or implement to decision of the District Teachers Employment Appellate Authority in its entirety within the time framed indicated above.

With the aforesaid, this writ application stand disposed of.

(Anil Kumar Upadhyay, J)

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