

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14089 of 2016

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1. Shiv Shankar Kumar son of Sri Mahendra Singh resident of
Village/Mohalla- Nishibuchak, P.O. + P.S.- Fatuha, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. principal Secretary, Human Resources Development Department, Govt.
Of Bihar
3. Director, Primary Education, Bihar Patna
4. The District Teachers Employment Appellate Authority, Nalanda
5. District Magistrate, Nalanda null null
6. District Education Officer, Nalanda at Bihar Sharif
7. District Programme Officer, Nalanda, at Bihar Sharif
8. Block Education Officer, Chandi Nalanda
9. Head Master, Middleschool, Beldhana, Chandi Prakhand, District-
Nalanda

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Rajendra Prasad, Sr. Advocate.
Mr. Pramod Kumar
Mr. Ritesh Kumar, Adv.

For the Respondent/s : Mr. Umesh Narayan Dubey, AC to-GP27

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

6 06-03-2018 Heard learned counsel for the petitioner and counsel
appearing for the State.

The grievance of the petitioner in the present
application is non-implementation of direction issued by the
District Teachers Employment Appellate Authority, Nalanda in
appeal No. 22 of 2015 dated 27-04-2016.



It is not in dispute that the order dated 27-04-2016 passed in Appeal No. 22 of 2015 has not been challenged before any appropriate forum or authority till date and there is no stay order on the implementation of direction issued by the District Teachers Employment Appellate Authority, Nalanda in Appeal No. 22 of 2015.

In the counter affidavit, peculiar stand has been taken in paragraphs-17 & 18 which reads as follows:

17. That the District Programme Officer (Establishment), Nalanda vide his letter No. 602 dated 03-02-2017 has directed to ensure payment of salary to the petitioner after getting verification of letter of appointment of the petitioner by the BDO, Chandi, Nalanda and in view of, the same, the Block Development Officer, Chandi has been requested to verify the legality and validity of its issuance and send the verification report of the letter of appointment of the petitioner vide letter No. 62 dated 06-02-2017.

18. That it is humbly stated that after receipt of verification report relating to letter of appointment of the petitioner from the BDO, Chandi, payment of salary of the petitioner shall be made, if it is found to be validly issued and in case, it is found to be fake, appropriate action shall be taken



against the petitioner, the Head Master of the concerned school, who failed to get the letter of appointment verified from the issuing authority and allowed to petitioner to continue in the school and further, steps shall also be taken from assailing the order of the Appellate Authority before the appropriate forum/authority in view of the fact that no person can be allowed to continue & claim salary on the basis of a forged & fabricated letter of appointment, as fraud vitiates everything.

Learned counsel for the petitioner submits that so long order of the District Teachers Employment Appellate Authority has not been challenged by the respondent, they cannot sit in appeal and decide whether the order is to be implemented or not.

Counsel for the respondent submits that there is fraud practice and fraud vitiates everything and since the petitioner has obtained the order from the District Teachers Employment Appellate Authority by practicing fraud and as such, the decision of appellate authority is nullity in the eye of law and cannot be enforced.

Considering the rival submissions of the parties, the court is constraint to dispose of this writ application with a direction to the District Programme Officer (Establishment), Nalanda to either obtain the stay order from a competent forum



within 30 days or enforce the order of the District Teachers
Employment Authority Nalanda in its entirety.

With the aforesaid observation, this writ application is
disposed of.

(Anil Kumar Upadhyay, J)

A.K.V./-

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