

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17220 of 2014

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Ram Chandra Paswan son of Ram Nath Paswan resident of village Bhawanipur, P.O. and P.S. Bhawanipur, District Purnea, presently working as Panchayat Teacher at Primary School Minapur under Kadwa Block District Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Primary Education , Govt. of Bihar, Patna.
4. The District Magistrate, Katihar.
5. The District Education Officer, Katihar.
6. The District Programme Officer (Establishment), Katihar.
7. The District Teacher Appointment Appellate Tribunal, Katihar.
8. The Block Education Officer, Kadwa, Katihar.
9. The Mukhiya Gram Panchayat Raj, Nista, Kadwa, Katihar.
10. The Secretary Gram Panchayat Raj, Nista, Kadwa, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Jha, Advocate Mr. Jibendra Mishra, Advocate
For the State	:	Mrs. Archana Minakshi, GP-6 Mr. Harish Singh, AC to GP-6 Mr. Karandeep, AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 11-07-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner is aggrieved by non-payment of salary notwithstanding favourable decision of the District Teachers Employment Appellate Authority.

3. Learned counsel for the petitioner submits that the District Programme Officer has no jurisdiction to sit in appeal against the judgment of the District Teachers Employment



Appellate Authority, the creature of the statute. He further submits that against the aforesaid order the respondents have filed a petition for review before the District Teachers Employment Appellate Authority which was rejected and thereafter the respondents are not making payment of salary although the petitioner is regularly working.

4. On behalf of the State Mrs. Archana Minakshi submits that the decision of the District Teachers Employment Appellate Authority suffers from manifold infirmities.

5. However, she has no answer to the proposition that the decision, may be good or bad, but the respondents and other authorities cannot enter into the merit of the adjudication of the District Teachers Employment Appellate Authority. The remedy is either by way of appeal or writ court under Article 226 of the Constitution of India. Since the respondents have not explored the remedy of appeal nor invoked the writ jurisdiction, the action of the State authorities in sitting tight over the matter and denying payment to the petitioner, is unsustainable in the peculiar facts of the case.

6. Accordingly, the respondents are directed to pay the admissible salary – arrears as well as current- to the petitioner in the light of the decision of the District Teachers Employment



Appellate Authority, contained in Annexure-17 to the writ petition and keep on making payment of salary unless that order is reversed or interfered with by the appropriate forum or Court in accordance with law. The decision with regard to payment of salary must be taken within 60 days from the date of receipt/production of a copy of this order and payment should be ensured within a further period of 30 days.

7. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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