

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.781 of 2015

IN

Civil Writ Jurisdiction Case No. 3602 of 2015

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Shanti Devi, Mukhiya, Gram Panchayat, Harpur-cum-President Panchayat Teacher Appointment Committee. Wife of Sabhapati Ram. Resident of Village & P.O.- Chandi, P.S.- Charpokhari, District - Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar, through Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Primary Education, Human Resource Development Department, Government of Bihar, Patna.
3. The Director of Education, Bihar, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The District Panchayat Raj Padadhikari, Bhojpur at Ara.
6. The A.D.M. Garhani, Bhojpur at Ara.
7. The Superintendent of District Education, Bhojpur at Ara.
8. The Block Development Officer, Garhani, Bhojpur at Ara.
9. The District Education Officer, Bhojpur at Ara.
10. The Block Education Extension Officer, Garhani, Bhojpur at Ara.
11. The Panchayat Secretary, Gram Panchayat Harpur, P.S.- Charpokhari, Bhojpur at Ara.
12. The Deputy Development Commissioner, Bhojpur at Ara.
13. Dharmendra Kumar Singh. Son of Bijendra Kumar Singh. Resident of Village + P.O.- Chandi, P.S.- Charpokhari, District - Bhojpur at Ara.
14. Sudhir Kumar Singh. Son of Brahma Singh. Resident of Village & P.O.- Chandi, P.S.- Charpokhari, District - Bhojpur at Ara.
15. Nargis Saba. Wife of Md. Mukhtar Ali. Resident of Village + P.O.- Chandi, P.S.- Charpokhari, District - Bhojpur at Ara.
16. Seema Kumari. Daughter of Satya Narayan Singh, Wife of Ravi Shankar Singh. Resident of village - Jaiprakash Nagar, Katira Ara, P.S.- Ara Nawada, District - Bhojpur at Ara.
17. Manoj Kumar. Son of Ramayan Ram. Resident of Village + P.O.- Ratanpur, P.S.- Ara Muffasil, District - Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Sinha

For the Respondent/s : Mr. Ajay Bihari Sinha, SC 19

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-01-2018



Seeking exception to an order dated 12.03.2015 passed by the learned Writ Court in CWJC No. 3602 of 2015 this appeal has been filed under Clause 10 of the Letters Patent.

The appellant is Mukhiya of Gram Panchaat Harpur and in the matter of payment of salary to certain teachers when directions issued by the District Administration was not complied the petitioner filed the writ application challenging the directions issued. The learned Writ Court found that the petitioner is only a Mukhiya and she is required to comply with the various direction issued by the superior authority including quasi-judicial authorities who passed orders on administrative proceedings. Finding that the petitioner cannot as a Mukhiya of the Gram Panchayat refrain from making payment based on the directions by the superior authorities the writ petition was dismissed and it was held that the petitioner cannot prevent enforcement of orders passed by the statutory authority.

Challenging the same this appeal has been filed and it argued that the appointment as made was illegal even though the District Administration has not stayed the payment. The learned Single Judge has not committed any error in dismissing the writ petition. In our considered view that the appellant is a Mukhiya and was bound to comply with the statutory provision and cannot challenge the order of the statutory authority.



However, today during course of hearing it is informed that the State Government itself stayed making payment.

Keeping in view the fact, we are not inclined to make any indulgence into the matter. The appeal stands dismissed. However, in case any coercive action is taken against the appellant, she may have the liberty to challenge the coercive action before appropriate court of law in accordance with law.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr.l./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15/01/2018
Transmission Date	

