

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15321 of 2014

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Baby Kumari @ Baby Choudhary Wife of Late Ashish Choudhary, Daughter of Sri Ramchandra Choudhary, Resident of Village- Morhe, Post Office & Police Station - Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Magadh Region, Gaya.
4. The District Magistrate, Nawada.
5. The District Education Officer, Nawada.
6. The District Panchayati Raj Officer, Nawada.
7. The District Programme Officer (Estab.) Dept. of Education, Nawada.
8. The Block Education Officer, Sadar, Nawada.
9. The Headmaster, Primary School, Fakira Beldari, Dedaur, Nawada.
10. The Mukhiya, Gram Panchayat-Dedaur, Sadar, Nawada.
11. The Panchayat Secretary, Gram Panchayat-Dedaur, Sadar, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG-13 Mr. Ravi Kumar, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-10-2018 This case was earlier listed for admission on different dates but no one appeared on behalf of the petitioner.

As a matter of last indulgence to the counsel for the petitioner, today this case has been listed under the heading for “Dismissal” but even today no one appears on behalf of the petitioner to assist the Court.

The instant writ application has been filed by the petitioner for a direction to the respondents to accept the joining of the petitioner as a Panchayat Teacher in Primary School,



Gram Panchayat Raj-Dedaur, Sadar, Nawada.

From the pleadings, it appears the Government of Bihar has started second phase of selection of teachers in 2008. Thereafter, the matter was taken to the District Teachers Employment Appellate Authority. The District Teachers Employment Appellate Authority after hearing the parties and considering the relevant records passed order and issued direction for appointment of the petitioner. The appointment letter was issued on 22.07.2011 but unfortunately the same was not acted upon and the Headmaster of the Primary School declined to accept the joining of the petitioner.

On behalf of respondent nos. 5 and 6 a counter affidavit has been filed. The objection in para-5 and 6 is that there is delay of three years in approaching this Court for consideration to issue appointment letter. The objection raised by the respondent nos. 5 and 6 does not merit consideration in view of the fact that order and direction of the Tribunal is required to be followed by all concerned and the respondents cannot sit tight over the matter despite the direction issued by the Tribunal.

The Tribunal has issued direction that petitioner's appointment cannot be nullified by deliberate action or inaction



on the part of the authority.

Considering the above, the writ petition is disposed of with direction to the District Programme Officer (Establishment), Nawada to see that order of District Teachers Employment Appellate Authority passed in Appeal No. 400 of 2010 is implemented in its letter and spirit within a period of four months from the date of receipt/production of a copy of this order.

Non-compliance of the order shall be viewed seriously.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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