

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22479 of 2012

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Vinod Kumar Yadav, Son of Sri Sajawal Yadav, Resident of Village- Gareriya,
Block - Guthani, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The District Magistrate, Siwan
5. The Member, District Teacher Employment Appellate Authority, Siwan
6. The District Education Officer, Siwan
7. The District Programme Officer (Establishment), Siwan
8. The Block Development Officer, Guthani Block, Siwan
9. The Block Education Officer, Guthani Block, Siwan
10. The Block Teacher Selection Committee, Guthani through its Chairman Cum
Prakhand Pramukh, Guthani Block, District Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bajrangi Lal, Advocate

For the Respondent/s : Mr. Kumar Vikram, Ac to GA-4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 25-10-2018

Heard learned counsel for the petitioner and State.

2. The petitioner has filed the present writ application for a direction to the respondents to act upon the District Teacher Employment Appellate Authority, Siwan dated 30.08.2012 in Case No. 566 of 2012.

3. On behalf of respondents stand has been taken in para 5 to 7 of the counter affidavit, which is quoted herein below:

“5. That it is humbly stated that vide notification no. 3716 dated 23.10.2008 the district Teacher Employment Appellate Tribunal came in existence wherein powers and functions of Appellate



Authority has been prescribed. And as per circular the order of the learned District Tribunal is final and binding upon the authorities.

6. That the department vide its Memo No. 382 dated 04.06.2012 (Annexure-3 to the writ petition) directed to ensure the compliance of the order of the learned District Appellate Tribunal.

7. That accordingly it is the selection unit who is responsible to comply the order of the learned District Appellate Authority. And hence the writ petition may be disposed of with direction to the concerned Block selection committee to comply the order under execution.”

4. From the averments made in the counter affidavit, there is no dispute as to the legality and validity of the decision of the District Teacher Employment Appellate Authority, Siwan. The respondents admit that the order of the Appellate Authority is required to be complied with and necessary direction has been issued by the department.

5. This Court has noticed the unfortunate trend that the authorities admit the validity of the order passed by the Appellate Authority, but in stead of ensuring its compliance they use to complete the formality by issuing letter/order for implementation, but no follow up action was taken by the authority to see full compliance of the order passed by the statutory authorities.



6. Under the rule, when the Statutory Appellate Authority was constituted, the idea was that the authority will act upon the decision of the Appellate Authority, but unfortunately the order of the Appellate Authority is not given effect to and the authority of the Education Department starts blame game. One authority use to toss blame upon other authority, such attitude of the authority is unfortunate.

7. Accordingly, noticing the stand in the counter affidavit, the writ application is disposed of with a direction to the District Programme Officer (Establishment), Siwan to see that the order of the District Teacher Employment Appellate Authority, Siwan dated 30.08.2012 passed in Case No. 566 of 2012 is implemented in its true letter and spirit within a period of sixty days from the date of receipt/production of a copy of this order.

8. In the event any authorities of the Education Department or Panchayat Secretary creates any impediment in implementing the order, the District Programme Officer is required to bring to the notice of the District Magistrate, Siwan such defiance. The District Magistrate, Siwan shall be under obligation to take appropriate coercive measure against all the officials, who are causing impediment in implementation of order of the District Teacher Employment Appellate Authority including the Panchayat Secretary,



so that the order of the District Teacher Employment Appellate Authority, Siwan is given effect to within the time frame indicated herein above.

9. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.10.2018
Transmission Date	

