

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1703 of 2015

=====

Shrawan Kumar Singh, Son of Late Dinanath Singh, Resident of Village - Karari, Post - Dhobhan Bazar, Police Station - Ara Muffasil, District - Bhojpur, At present Panchayat Teahcer Primary School, Deorhi, Gram Panchayat- Karari, Anchal - Ara Sadar, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Primary Education, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Officer, Bhojpur, Ara.
5. The District Education Officer, Bhojpur, Ara.
6. The District Programme Officer (Establishment), Bhojpur, Ara.
7. The Block Development Officer, Sadar, Anchal, Bhojpur, Ara.
8. The Block Education Officer, Sadar Anchal, Bhojpur, Ara.
9. The Secretary Teacher Employment Unit, Karari, Prakhand, Ara Sadar, Bhojpur.
10. The Mukhiya, Gram Panchayat, Karari, Prakhand Ara Sadar, Bhojpur.
11. Harendra Kumar Singh, Son of Baban Singh Resident of Village - Manpur, Post - Dhoban Bazar, Police Station - Ara Muffasil, District - Bhojpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-07-2018

Heard learned counsel for the petitioner; State and
respondent no. 11.

2. The petitioner has moved the Court for the following
relief:

“That this is an application for issuance of an appropriate writ/writs, order/orders, direction/directions for quashing the letter no. 4198 dated 06.07.2013 and Memo No. 88/Ara dated 08.01.2015 whereby and whereunder the Mukhiya/ Panchayat Secretary Cum Panchayat Teacher



Employment Unit, Gram Panchayat- Karari, Prakhand Ara Muffasil (North), Respondent No.9 and 10 have been directed to re-appoint the Respondent No. 11 Ex-Shiksha Mitra in place of petitioner as services of petitioner has been declared illegal and further for directing and restraining the respondent authorities not to re-appoint respondent no. 11 Ex-Shiksha Mitra as the services of petitioner has been absorbed as Panchayat Teacher in terms of Rule 20 of Bihar Panchayat Elementary Teacher (Employment and Service conditions) Rules, 2006 and for any other relief/reliefs for which the petitioner is entitled to.(Annexure-8 &15).”

3. As the matter relates to the dispute relating to employment of Panchayat Teacher, on which post the petitioner was working and was subsequently removed, the Court deems it appropriate to dispose off the writ petition with liberty to the petitioner to move before the District Teacher Employment Authority, Bhojpur (hereinafter referred to as the ‘Authority’) with regard to the present dispute.

4. Accordingly, the writ petition stands disposed off with liberty aforesaid.

5. If such an application is filed before the Authority within four weeks from today, the same shall be considered and disposed off on merits expeditiously and within the statutory period.

6. Learned counsel for the petitioner draws the attention of the Court to order dated 08.01.2015 by which the respondent no.



11 has been directed to be appointed in place of the petitioner as well as order dated 14.03.2015, by which the respondent no. 11 has been directed to join. Learned counsel submitted that by order of the Court in the present case dated 03.04.2015, such orders have been stayed. He, thus, prayed that the same protection be given to him for sometime before he can move before the Authority.

7. The Court finds the prayer to be justified.

8. Accordingly, there shall be interim stay of the orders dated 08.01.2015 and 14.03.2015 for the next six weeks. In the meantime, upon moving before the Authority, the petitioner shall be at liberty to pray for interim orders. If such a prayer is made, the Authority shall taken a decision on the same within two weeks from the date of filing of such representation. The Court would only observe that if non action on the part of the Authority leads to a situation where, in effect, the protection given by this Court is frustrated, this Court may take strict judicial note of the same.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

