

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19788 of 2014

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Sultan Ahmad @ Md. Sultan Ahmad, S/O Late Suleman, Resident of Village + P.O
+ P.S. Kaari Parsurai, District-Nalanda (Biharsharif)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna
2. The Director (Primary Education), Bihar, Patna.
3. The District Education Officer, Nalanda
4. The District Programme Officer (Establishment), Nalanda
5. The Block Education Officer, Karai Parsurai Block, Nalanda.
6. The District Teacher Employment Appellate Authority, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Srivastava, Advocate

For the Respondent/s : Mr. AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-10-2018

Heard the learned counsel for the petitioner, learned
counsel for the State.

2. The petitioner has approached this Court for a
direction to the respondents to comply the order passed by the District
Teachers Employment Appellate Authority, Nalanda in Appeal No.39
of 2010. The order passed by the District Teachers Employment
Appellate Authority, Nalanda binds the Authority of the Education
Department and does not lie in the mouth of the respondent authorities
that the order of the Appellate Authority is erroneous and, therefore,
they cannot implement the direction.

3. It is now well settled that even illegal orders are



capable of consequences. The order passed by the competent authority has to be given effect unless it is interfered or set aside by the superior Court or the authority. The action on the part of the respondent in the matter of not implementing the direction of the Appellate Authority cannot be appreciated in view of the judgment of the Apex Court in the case of **Sultan Sadik vs. Sanjay Raj Subba and Ors**, reported in **(2004) 2 SCC 377** where the Apex Court has quoted with approval the passage from the judgment of Lord Radcliffe that the order does not bear seal of invalidity on its forehead and as such the order passed by the competent authority is capable of consequences.

4. Considering the aforesaid, this writ application is allowed. The respondents are directed to implement the order passed by the District Teachers Employment Appellate Authority, Nalanda in Appeal No. 39 of 2010, if not already implemented, within a period of four months from the date of receipt/production of a copy of this order, unless it is interfered or set aside by the superior Court or the authority.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	N/A
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