

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9587 of 2017

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1. Rajesh Kumar Rai, Son of Sri Mangla Prasad Rai, Resident of Village- Moharihan, Post- Khocharihan, District-Buxar,
 2. Bittu Ram, Son of ram Niwas Paswan, Resident of Village- Loha Pakar, P.O.-Jamalpur Pateri, P.S.-Chand, District-Kaimur at Bhabhua
 3. Dindayal Pathak, Son of late Singhasan Pathak, Resident of Village- Barhariya, P.O.- Chhotka Amaun, District-Kaimur at Bhabhua

.... Petitioner/s

Versus

1. The State of Bihar,
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Kaimur at Bhabhua
5. The District education Officer, Kaimur at Bhabhua
6. The District Programme Officer, (Establishment), Kaimur at Bhabhua
7. The Block development Officer, Chainpur Block, Kaimur
8. The Headmaster, Middle School Barhauna Chainpur, District-Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Arvind Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 06-02-2018 Heard learned counsel for the petitioners and the State.

Mr. Rajeev Kumar Verma, learned senior counsel appearing on behalf of the petitioners submits that similarly circumstanced others have been granted benefit. He has placed reliance on Annexure-10, the order dated 14.02.2017 passed in C.W.J.C. No. 4694 of 2015 and another order passed by a Co-ordinate Bench of this Court in C.W.J.C. No. 4904 of 2015 dated 15.02.2017.



Earlier the case was listed before this Court on 22.11.2017 and vide order dated 22.11.2017 six weeks' time was granted to the respondents with clear stipulation that in the event the counter affidavit is found evasive or replies are not specific then the court will proceed and decide the writ application on the principles laid down by the Apex Court in the case of Smt. Naseem Bano vs State of U.P. and Others: AIR 1993 SC 2592.

Unfortunately, no counter affidavit has been filed on behalf of the respondents.

Under the aforesaid circumstances, the Court is left with no option but to proceed in the matter on the basis of averments made in the writ application. On going through the pleading, it appears that the issue raised in the present writ application is no more *res integra*, as Co-ordinate Bench of this Court has already decided the issue in C.W.J.C. No. 4694 of 2015 vide order dated 14.02.2017 and the same view was expressed in C.W.J.C. No. 4904 of 2015 vide order dated 15.02.2017.

Accordingly, the writ application is disposed of in the identical terms, the writ application, bearing C.W.J.C. No. 4904 of 2015, disposed of vide order dated 15.02.2017.

In view of facts and circumstances, the writ petition stands allowed with direction to all the respondents to implement



the order dated 21.03.2014 passed by the District Teacher's Appointment Appellate Authority in Appeal No. 16/2013 within a period of three months from the date of receipt/production of a copy of this order.

It is clarified that interference by any authority in implementation of the order passed by the District Teacher's Appointment Appellate Authority shall be termed as disobedience to the order of this Court.

(Anil Kumar Upadhyay, J)

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