

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23540 of 2013

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Ranjana W/O Sri Shankar Prasad Singh Resident Of Village- Unsar, P.S.-
Bochaha, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Education, Govt. Of Bihar, Patna
2. The Principal Secretary, Department Of Education, Govt. Of Bihar, Patna
3. The Collector-Cum-District Magistrate, Muzaffarpur
4. The District Education Officer, Muzaffarpur
5. The Block Development Officer, Bochaha Block, Bochaha, Muzaffarpur
6. The Block Education Officer, Bochaha Block, Bochaha, Muzaffarpur
7. The Mukhiya, Gram Panchayat Raj Unsar, Bochaha Block, Bochaha, Muzaffarpur
8. The Panchayat Teacher Employment Unit, Gram Panchayat Raj Unsar, Bochaha Block, Bochaha, Muzaffarpur Through Its Member Secretary
9. The Panchayat Sachiv-Cum-Member Secretary, Panchayat Teacher Employment Unit, Gram Panchayat Raj Unsar, Bochaha Block, Bochaha, Muzaffarpur
10. The Head Master, Govt. Primary School (Urdu), Unsar, Block- Bochaha, District- Muzaffarpur
11. The District Teachers Employment Appellate Authority, Muzaffarpur, Through Its Member
12. The District Programme Officer (Establishment), Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Anil Kumar Verma, AC to AAG-9
For Intervenor	:	Mr. Bhuneshwar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 13-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State as well as the Intervenor.

2. The petitioner has approached this Court for a
direction to the respondents to make payment of salary in terms of
the direction of the District Teachers Employment Appellate
Authority.



3. Learned counsel for the intervenor submits that the petitioner has procured the order of the District Teachers Employment Appellate Authority by suppressing the material fact. She was removed long back and on that post the intervenor was appointed as Shiksha Mitra. Had the petitioner mentioned this fact before the Tribunal, there would have been no occasion for the Tribunal to have passed positive order in favour of the petitioner for payment of salary. He submits that the intervenor was not made party and the relevant fact was not brought to the notice of the District Teachers Employment Appellate Authority. In the aforesaid circumstances, he submits that ends of justice requires that the matter be remitted back to the District Teachers Employment Appellate Authority, where the entire fact may be examined by the District Teachers Employment Appellate Authority and appropriate decision may be taken with regard to the continuity of the services of the petitioner/intervenor and the claim and counter claim for payment of salary.

4. Considering the aforesaid, the Court deems it fit and proper to remand the matter back to the District Teachers Employment Appellate Authority to decide the entitlement of the petitioner after hearing her and the intervenor as the intervenor is necessary party in the matter of payment of salary as payment



cannot be made to more than one teachers as against one post and as such it is necessary for the Tribunal to hear the intervenor while passing the order adverse to the interest of the intervenor. Accordingly, the order contained in Annexure-15 is quashed and the matter is remanded back to the District Teachers Employment Appellate Authority for taking decision afresh in accordance with law after opportunity of hearing to all likely to be adversely affected by the adjudication of the Tribunal. Final decision afresh may be taken by the District Teachers Employment Appellate Authority expeditiously preferably within a period of three months from the date of receipt/production of a copy of this order.

5. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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