

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15016 of 2015

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1. Manoj Kumar Gupta, S/o Banarsi Sah, Resident of Village Ailay, P.S. Chand, District Kaimur.
 2. Ashok Kumar Dwivedi @ Ashok Dwivedi, S/o Ram Sunder Dwivedy, Resident of Village- Sohan, P.S. Chand, District Kaimur.
 3. Chandrajeet Singh, S/o Tribuvan Singh, Resident of Village Dumarkon, P.S. Chainpur, District Kaimur.

... .. 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, Patna.
5. The District Education Officer, Kaimur at Bhabhua.
6. The District Programme Officer (Establishment), Kaimur at Bhabua.
7. The Block Development Officer, Chainpur Block, Kaimur.
8. The Headmaster, Upgraded Middle School Karkatgarh, Chainpur, District Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Kumar Verma, Sr. Advocate Mr. Prashant Sinha, Advocate
For the Respondent/s	:	Mr. Ravi Verma, AC to GP-26

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 06-12-2018

Heard learned counsel for the petitioners and the respondents.

2. In the present writ application, the petitioners have prayed for a direction to the respondents to implement the decision of the District Teacher's Appointment Appellate Authority.

3. Mr. Rajiv Kumar Verma, learned senior counsel appearing on behalf of the petitioners submits that the decision of the District Teacher's Appointment Appellate Authority is binding



on the authority and they cannot in their wisdom decide either to implement or not to implement. The respondents have no authority to sit in appeal against the decision of the statutory authority.

4. Learned counsel for the respondents submits that forgery is involved in the process of appointment and as such the Court should grant reasonable time so that the State may approach the appropriate authority or Court under the law against the decision of the Appellate Authority.

5. In normal circumstance, such prayer is unsustainable, but having regard to the fact that there is allegation of forgery involved, the Court as an exception grants time for a period of two months to the respondents to either implement the order of the Appellate Authority in its letter and spirit or get the order of the Appellate Authority set aside or stayed in appropriate proceeding. In the event, the order of the Appellate Authority is not stayed or set aside by any Court or authority, the respondents shall be under obligation to implement the order of the Appellate Authority in its entirety, failing which the entire benefit accrued to the petitioners in terms of the order of the Appellate Authority shall carry interest at the rate of 9%, which shall be born out from the pocket of the District Programme Officer (Establishment), Kaimur at Bhabua or other officials of the department.



6. This course has been adopted by this Court only to facilitate the State as a exception, otherwise the rule is that even void over is capable of consequences. Reference in this connection may be made to the judgment of the Apex Court in the case of **Sultan Saidk Vs. Sanjay Raj Subba and Ors.**, reported in **2004) 2 SCC 377.**

7. With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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