

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19151 of 2013

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Raj Hasan Raj Son Of Sri Jaleel Aazad Resident Of Village - Sidharia, P.O. -
Semaria, P.S. - Kateya, District - Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Education, Government Of Bihar,
Patna
3. The Director, Primary Education, Government Of Bihar, Patna
4. The Deputy Director, Primary Education, Government Of Bihar, Patna
5. The District Magistrate, Gopalganj
6. The District Education Officer, Gopalganj
7. The District Programme Officer (Establishment), Gopalganj
8. The Block Development Officer, Panchdeori, District - Gopalganj
9. The Block Education Officer, Panchdeori, District - Gopalganj
10. The Panchayat Sikshak Niyojan Samiti, Kahalgaon Through Its Member
Secretary Cum Panchayat Secretary Gram Panchayat Raj, Kahalgaon, Block -
Kateya, District - Gopalganj
11. The Panchayat Secretary, Gram Panchayat Raj, Kahalgaon, Block - Kateya,
District - Gopalganj
12. The Mukhiya Gram Panchayat Raj, Kahalgaon, Block - Kateya, District -
Gopalganj
13. The Head Master Government Primary School, Baatal Chauraha, Block -
Panchdeori, District - Gopalganj
14. The District Teachers Appointment Appellate Authority, Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Pandey No-5
For the Respondent/s	:	Mr. Md. N. Hoda Khan, SC-1
		Ms. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 29-10-2018



On 20th September, 2013 after service of two advance copies to the office of the Advocate General, the present writ petition was filed. Unfortunately, even after five years, the respondents have not bothered to file any counter affidavit. The reluctance on the part of the State manifests the failure on the part of the respondents in the litigation management.

2. The petitioner has approached this Court for implementation of the direction issued by the District Teachers Employment Appellate Authority dated 19.12.2012.

3. The appellate authority was created by the State for adjudication of the dispute involving appointment and connected affairs of the Panchayat Shikshak. The State authorities are expected to implement the direction issued by the appellate authority. The order passed by the appellate authority is meant for implementation, but it appears that the authorities in the Education Department are treating the order as waste papers. The reluctance shown by the respondents in the instant case is condemned by this Court. In a system of governed by rule of law, every authority howsoever is obliged to follow the law. No one is above law and once the order of the competent authority is passed, the order has to be given effect to in its letters and spirit unless it is reversed or set aside by a competent Court.



4. It may not be out of place to mention here that the Apex Court has occasion to consider the submissions with regard to irregularity or invalidity of the order and its implementation. The Apex Court in the case of Sultan Sadik Vs. Sanjay Raj Subba: (2004) 2 SCC 377 held out that even illegal order is capable of consequence. It is to be noted here that no order carries the seal of invalidation on its forehead. The order has to be given effect to unless it is set aside or set at not by competent forum or Court.

5. The decision of the District Teachers Employment Appellate Authority, Gopalganj, in the instant case has not been acted upon for six long years and the respondents have even not shown minimum courtesy to the Court by filing any counter affidavit despite service of two advance copies in the present case to the office of Advocate General in 2013 itself.

6. Under the aforesaid circumstances, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Gopalganj to implement the order of the District Teachers Employment Appellate Authority dated 19.12.2012 in its letters and spirit within a maximum period of four months from the date of receipt/production of a copy of this order failing which the consequential benefits admissible to the petitioner will carry interest at the rate of 9% per annum and the District Programme



Officer (Establishment), Gopalganj shall be personally liable for payment of the interest component.

7. With the aforesaid, the writ petition stands allowed.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.10.2018
Transmission Date	

