

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13689 of 2017

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1. Ravishankar Kumar, Son of Shivnath Prasad, Resident of Mohalla-Ramnagar (Durga Mandir Gali), Police Station-Nawada, District-Nawada.
 2. Rashmuni Kumari, Wife of Vijendra Prasad Singh, Resident of Village-Roh, Police Station-Roh, District-Nawada.
 3. Bishundeo Ram, Son of Bhagirath Ram, Village-Sahpur, P.S. Sirdalla, District Nawada.
 4. Md. Taslimuddin Ansari, Son of Md. Anual Haque Ansari, Resident of Village-Nardiganj, P.S. Nardiganj, District Nawada.
 5. Umashankar, Son of Jagdish Choudhary, Resident of Village-Darshan Bigha, P.s.Kashichak, District Nawada.
 6. Sanju Kumari, Wife of Pankaj Kumar Singh, Resident of Village-Jamuawan, P.s.Wazirganj, District Gaya.
 7. Kanchan Kumari, Wife of Bijendra Kumar Naveen, Resident of Village-Kendua, P.S.-Hisua, District Nawada.
 8. Juli Kumari, Wife of Amar Kumar, Resident of Village-Parariya, P.S. Nardiganj, District Nawada.
 9. Rekha Kumari, Wife of Satyendra Kumar, Resident of Village-Jamuawan, P.s.Wazirganj, District Gaya.
 10. Md. Imran Ahmad, Son of Md. Ismail, Resident of Village-Nateshar, P.S.-Nimchak Bathani, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director, Primary Education, Magadh Division, Gaya.
4. The District Magistrate, Nawada
5. The District Programme Officer, Nawada.
6. The Sub-Divisional Officer, Nawada Sadar, District Nawada.
7. The Block Education Officer, Hisua, District Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. A.K. Jha, Sr. Advocate
For the Respondent/s : Smt. Neetu Ghay-Ga12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 16-04-2018 Heard Mr. Anil Kumar Jha, Sr. counsel appearing on behalf of the petitioner and the counsel appearing on behalf of the State.

Learned senior counsel Anil Kumar Jha appearing on



behalf of the petitioners submits that petitioners were appointed pursuant to the order of District Teachers Employment Appellate Authority and despite their joining and discharging duty, the respondents have not made payment.

On behalf of the respondent a stand has been taken in the counter affidavit that petitioners have joined after two years and seven months and thereafter certain complaint was made before the District Magistrate, Nawada with regard to the appointment of the teachers and thereafter, District Education Officer, Nawada made enquiry about the appointment of the teachers in second phase. He submitted enquiry report before the District Magistrate and on that basis the complainant has drawn attention about the employment of the teachers of gram panchaya in second phase. However, no document was enclosed in the matter of payment of salary. The respondents are required to enquire into the fact whether the appointment of the petitioners is legal and valid and whether the petitioners have actually worked for the period the petitioners are claiming salary.

The evasive reply in the counter affidavit does not serve the purpose. There is no specific finding in the enquiry with notice to the petitioners that the petitioners' appointment



was not in accordance with law. There is no denial of the fact that the petitioners were not appointed pursuant to the direction of District Teachers Employment Appellate Authority. If the appointment of the petitioners was made pursuant to the direction of the District Teachers Employment Appellate Authority, the respondents are required to honour the decision of the District Teachers Employment Appellate Authority.

Accordingly, the writ petition is disposed of with direction to the respondent to honour the direction of the District Teachers Employment Appellate Authority and ensure payment of salary to the petitioners for the period the petitioners have actually worked unless and until the order passed by the District Teachers Employment Appellate Authority is nullified by the competent authority/court in accordance with law.

The entire exercise with regard to payment of salary must be completed by the respondents within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

Ravi/-

(Anil Kumar Upadhyay, J)

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