

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5413 of 2017

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1. Sujata Kumari Wife of Mithilesh Chand Verma, daughter of Hari Lal Das resident of Kosi Colony, Bathnaha, P.O. - Bathnaha, Kosi Colony, P.S. - Jogbani, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna
3. The District Magistrate, Araria.
4. The District Education Officer, Araria.
5. The District Programme Officer, Araria.
6. The Block Development Officer, Forbesganj, District - Araria.
7. The Block Education Officer, Forbesganj, District - Araria.
8. The Prakhanda Pramukh Forbesganj, District - Araria.
9. Member, District Teachers Employment Appellate Authority, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baleshwar Kamat Mr. Uday Bhanu Roy, Adv.
For the Respondent/s	:	Mr. SUBHASH CHANDRA MISHRA- SC16 Mr. Madhukar Mishra, A.C. to S.C.-16.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
Date: 07-05-2018

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

In this writ application, a very simple question is involved whether the respondent authorities can sit in appeal against the decision of the statutory Appellate Authority, i.e. Teacher Employment Appellate Authority. If the answer is in negative then the respondent are required to honour the direction of the District Teachers Employment Appellate Authority in its letter and spirit. If it



is found that the authorities can sit in appeal then the whole concept of constituting District Teacher Employment Authority for adjudication under the Rule is illusory. The Court on consideration of the Rules whereby the Appellate Authority has been created is of the considered view that the decision of the Appellate Authority is binding on all authorities and they cannot be allowed to sit in appeal against the decision. The respondents may have the occasion to assail the decision of Appellate Authority before appropriate Court or Forum and not to sit in appeal to decide the correctness and otherwise of the decision of the District Teachers Employment Appellate Authority and in the name of scrutiny of the decision keep the direction and decision of the District Teacher Employment Appellate Authority in abeyance as it was done in the present case. The District Teachers Employment Appellate Authority has passed positive order in favour of the petitioner vide order contained in Annexure-4 dated 16.04.2014 more than 4 years have passed, the respondent authorities have not implemented the same as yet.

In view of the above, it is hereby directed that the order dated 16.04.2016 has to be implemented in letter and spirit within a period of 60 days from today failing which the District Programme Officer is required to work out the entitlement of the petitioner for payment of salary with effect from 16.04.2014 and shall also be liable to pay



interest @ 9 per cent per annum from the date of the Appellate Authority to the date of actual payment while implement the direction contained in Annexure-4.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

