

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15275 of 2017

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1. Naz Parveen @ Naz Praveen, Wife of Abul Kalam Azad, Daughter of -
Ali Ahmad, Resident of Village-Indarwan Bairam, P.S.-Gopalganj,
District-Gopalganj (Bihar). Presently Posted as Block Teacher, Upgraded
Middle School Indarwan Abadullah, Situated in Thawe Block, District-
Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development, Department,
Government of Bihar, Patna.
3. The Director, Primary Education, Human Resources Development
Department, Government of Bihar, Patna.
4. The Regional Dy. Director of Education, Saran at Chapra.
5. The District Magistrate, Gopalganj
6. The District Education Officer, Gopalganj.
7. The District Programme Officer, (Establishment), Gopalganj.
8. The District Programme Officer, (Sarva Shiksha), Gopalganj.
9. The Block Development Officer, Thawe, Gopalganj
10. The Block Education Officer, Thawe, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Respondent/s : Mr. Vivek Anand Amritesh, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 22-02-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

In the present case, the matter was taken up by District
Teachers Appellate Authority and the District Teachers Appellate
Authority, Gopalganj has passed detail order in Appeal No. 19 of
2012 as contained in Annexure-6 to the writ petition. The order of
the Appellate Authority dated 21-11-2013 has been complied with



so far as reinstatement of the petitioner is concerned. However, direction with regard to payment of arrears of salary has not been complied with.

The District Teachers Appointment Appellate Authority has been created under the rule. The State is supposed to honour the direction issued by the appellate authority or assail the order of the District Teachers Appellate Authority before the appropriate forum. The State authorities are not expected to disregard the direction issued by the appellate authority and sit in appeal. The conduct of the respondent in the present case indicates that they have no respect of orders passed by the appellate authority.

Under the circumstance, this court is constrained to direct the respondent to implement the order dated 21-11-2013 passed by the appellate authority as contained in Annexure-6 to the writ petition within a maximum period of 60 days from the date of receipt/production of copy of the order or assail the order before competent forum as in no case, the authorities of the Education Department can sit in appeal against the decision of the District Teachers Appellate Authority and defy the direction.

In view of the aforesaid, this writ petition stands disposed of with direction to the respondents to pass necessary order in compliance of direction of the District Teachers



Appointment Appellate Authority (Annexure-6), so that, payment of salary of the petitioner is made within a time frame.

(Anil Kumar Upadhyay, J)

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