

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11779 of 2017

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Rambha Singh Wife of Shri Mani Kant Choudhary, Resident of Village-Ahiapur, P.S.-Mansoorchak, District-Begusarai,

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna
2. The District Magistrate, Begusarai.
3. The District Education Officer, Begusarai
4. The Block Development Officer-Cum Secretary, Block Teachers Employment Unit, Bachhwara, Begusarai.
5. The all Block Education Officer, Bachhwara, Begusarai.
6. Smt. Suman Kumari, Wife of Sri Mukesh Kumar Choudhary, Resident of Village-Dadpur, P.S.-Bhagwanpur, District-Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Ashutosh Ranjan Pandey -Aag15

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2019 Heard the learned counsel for the parties.

The facts of the present case lie in a narrow compass to the effect that the private respondent no. 6 had filed a writ petition bearing CWJC no. 8567 of 2012 and a co-ordinate Bench of this Court by an order dated 03.05.2012, had directed that the said private respondent no. 6 shall not be removed from the post of Prakhanda Teacher. Thereafter, the said respondent no. 6 had filed a contempt petition bearing M.J.C. no. 4636 of 2012 and this Court by an order dated 17.04.2013 observed that since there is no dispute of fact that the petitioner



was actual working on the post in question on 03.05.2012, the date on which the interim order was passed by this Court, the contempt matter was directed to be listed along with the main writ petition and the authorities were directed to maintain *status quo* in the meantime.

At this juncture, the learned counsel for the petitioner has submitted that on 17.04.2013, the petitioner herein was working on the post of *Prakhand* Teacher, hence the order dated 17.04.2013 passed in the contempt petition had granted protection to the petitioner herein instead of the said respondent no. 6.

However, by a judgment dated 20.11.2014 passed in CWJC no. 8567 of 2012, the writ petition of the private respondent no. 6 was disposed of and the order of the District Teachers Appellate Authority, Begusarai dated 06.02.2012 was quashed and the matter was remanded back to the District Appellate Authority, Begusarai, nonetheless, the private respondent no. 6 had again pressed the aforesaid contempt petition bearing M.J.C. no. 4636 of 2012 and on an allegedly false submissions made before this Court, obtained an order dated 06.03.2017, whereby and whereunder the respondent no. 6 was directed to be re-instated, pending final decision by the



appellate authority, whereas the fact is that the said writ petition had stood disposed of by a judgment dated 20.11.2014. In such view of the matter, it is submitted that the private respondent no. 6 obtained an order discreetly from this Court regarding her reinstatement pending final decision by the appellate authority.

The learned counsel for the petitioner submits that the petitioner, thereafter did not ever appear before the appellate authority, hence the matter could not be adjudicated by the appellate authority upon being remanded by this Court.

Having heard the learned counsel for the parties and considering the facts and circumstances of the case as also the order dated 06.03.2017 passed by this Court in M.J.C. no. 4636 of 2012, whereby and whereunder the respondent no. 6 was directed to be reinstated pending final decision by the appellate authority, this Court deems it fit and appropriate to direct the petitioner to approach the appellate authority, Begusarai in the pending case i.e. Appeal case no. 23 of 2011, since the said case has stood revived by an order passed by this Court, consequent to quashing of the order dated 06.03.2017 passed by the appellate authority in the said case. The appellate authority is directed to issue notice to the respondent no. 6, said to be the petitioner in the said Appeal case no. 23 of 2011, and adjudicate



the said case afresh, without being prejudiced by the various orders passed by this Court and in case, the respondent no. 6 fails to appear, it is directed that ex-parte decision shall be taken by the appellate authority. This Court further directs that the appellate authority would make an endeavour to dispose of the aforesaid Appeal no. 23 of 2011 within a period of eight weeks from the date of receipt/ production of a copy of this order.

The present writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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