

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1196 of 2016

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Kumari Chhaya Wife of Chanradeo Roy, Resident of Mohalla Lohiya Nagar,
Barmasiya, P.S. and District - Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Katihar.
4. The District Programme Officer East, Katihar.
5. The Block Development Officer, Mansahi, Katihar.
6. The Block Education Officer, Mansahi, Katihar.
7. The Mukhiya, Gram Panchayat Raj Kumitha, P.S. - Mansahi, District - Katihar.
8. The Panchayat Secretary, Gram Panchayat Raj Kumitha P.S. Mansahi, District - Katihar.
9. The Head Master, Upgraded Middle School, Kuretha, Mansahi, District - Katihar.
10. Priyam Kumari, Wife of Ranjeet Singh, Resident of Mohalla New Market Amla Tola, P.S. and District - Katihar.
11. Pawan Kumar, Son of Anil Kumar Poddar Resident of Village - Haflaganj, P.S. Mufassil, District - Katihar.
12. Usha Kumari, Daughter of Rameshwar Singh, Resident of Village - Sangatibadi, P.S. Mansahi, District - Katihar.
13. Amarnath Choudhary, Son of Sita Ram Choudhary, R/o Village Kuretha, P.S. Mansahi, District - Katihar.
14. Chandan Kumari, Daughter of Jayakant Mehta, Wife of Pankaj Kumar, Resident of Village - Khiry Hat, P.S. Kahalgaon, District - Bhagalpur.
15. Ashok Ravidas, Panchayat Teacher, Gram Panchayat Raj Kuretha, P.S. Mansahi, District- Katihar

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9229 of 2016

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1. Priyam Kumari and Ors Wife of Sri Ranjit Singh Resident of Mohalla - New Market Amola Tola, P.S. District - Katihar
2. Pawan Kumar Son of Sri Anil Kumar Poddar Resident of village - Haflaganj, P.S. Muffasil - Katihar, District - Katihar
3. Usha Kumari daughter of Sri Rameshwar Singh Resident of village - Sanjalibari, P.S. Mansahi, District - Katihar



4. Amar Nath Chaudhary Son of Sri Sitaram Chaudhary Resident of village - Kuraitha, P.S. Mansahi, District - Katihar
5. Chandan Kumari Daughter of Sri Jaykant Mehta, Wife of Sri Pankaj Kumar Resident of village - Khirjhat, P.S. Kahalgaon, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Education officer, Katihar
3. The District Programme officer, Katihar
4. The Block Development officer, Mansahi, District Katihar
5. The Block Education officer, Mansahi, District Katihar
6. Kumari Chhaya D/o Late Shivilal Pandit, Wife of Sri Chandradeo Ray Resident of Mohalla - Lohiya Nagar, Barmasia, P.S. District - Katihar
7. Gram Panchayat - Kuraitha, P.S. Mansahi, District - Katihar through its Secretary
8. The Mukhiya, Gram Panchayat - Kuraitha, P.S. Mansahi, District - Katihar
9. The Headmaster, Middle School, Kuraith, P.O. Mansahi, Distt. - Katihar
10. Ashok Kumar Ravi Das, Panchayat Teacher, Panchayat Raj - Kuraitha, Mansahi, District - Katihar

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 1196 of 2016)

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate
For the Respondent/s : Mr.R.S. Nath- Aag3
For Resp. No. 15 : Mr. Bipin Kumar, Advocate
Mr. Prakash Mahto, Advocate

(In Civil Writ Jurisdiction Case No. 9229 of 2016)

For the Petitioner/s : Mr.Rajeev Kumar Singh, Advocate
Mr. Sita Ram Singh, Advocate
Mr. Gyanendra Kumar Diwakar, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha, GA-7

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 14-08-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the respondents.

In the earlier round of litigation the petitioners of both
the writ petitions were party in CWJC No. 4265 of 2008 which
was disposed of by order dated 6.5.2010, as contained in



Annexure-1. The writ petition was allowed with the following observations:-

“This writ application is allowed.

However, the allegations have been made regarding irregularity in the appointment, as such it is desirable that a proper enquiry should be conducted in this matter. The District Teachers Employment Appellate Tribunal, Katihar is directed to issue notice in this regard to all concerned including the Mukhiya, Panchayat Secretary and the appointees, which also includes the petitioners, giving proper opportunity to them, considering the records connected with the appointment in the concerned Gram Panchayat and looking into relevant records, may pass order within 60 days from the date of communication/production of this order, either by the Block Development Officer, Mansahi or by any of the petitioners. The petitioners may take this precaution that the impugned order must be communicated to the Tribunal within one month from today. Whatever the order passed by the Tribunal, that will decide the fate of the petitioners as well as other applicants.”

After the aforesaid order instead of taking decision by the Tribunal, some favourable order was passed by other authority in favour of the petitioners of CWJC No. 9229 of 2016 which led the petitioners to withdraw the appeal preferred before the District Teachers Employment Appellate Authority.



Thereafter the petitioner of CWJC No. 1196 of 2016 approached this Court and sought permission to withdraw the writ petition to approach the District Teachers Employment Appellate Authority. After the permission was granted by this Court the petitioner of CWJC No. 1196 of 2016 preferred appeal and in that case the petitioners of CWJC No. 9229/2016 were also party respondents. After hearing the parties the Tribunal held out that appointment of both the petitioner Chhaya Kumari and petitioners of CWJC No. 9229 of 2016 is bad. Aggrieved by the decision of the District Teachers Employment Appellate Authority dated 7.12.2015, these two writ petitions have been filed.

From the materials available on record and from perusal of different annexures appended to both the writ petitions, this Court has come to a definite conclusion that the District Teachers Employment Appellate Authority has not enquired the matter in terms of the order passed in CWJC No. 4265 of 2008.

Considering the aforesaid, the Court is of the considered view that the order passed by the District Teachers Employment Appellate Authority is unsustainable. Since both the writ petitions involve challenge of the order of the District Teachers



Employment Appellate Authority, the Court in the peculiar facts of the case quashes the order dated 7.12.2015 passed by the District Teachers Employment Appellate Authority and remit the matter back to the District Teachers Employment Appellate Authority to take fresh decision strictly in terms of the order passed in CWJC No. 4265/2008 vide order dated 6.5.2010, i.e. to ensure proper enquiry and after hearing the Mukhiya, Panchayat Secretary and the appointees including the writ petitioners and respondents in both the writ applications. Necessary fresh decision may be taken by the District Teachers Employment Appellate Authority after hearing the parties within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, both the writ petitions stand allowed and disposed of to the extent as indicated above.

(Anil Kumar Upadhyay, J)

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