

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14092 of 2019

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1. Manoj Singh, S/o Dineshwar Prasad Singh @ Dineshwar Singh, Resident of At Ward No.16, Awari, P.O.- Mohania, P.S. -Mohania, Dist. Kaimur
 2. Amit Kumar Singh, S/o Janardan Singh, Resident of At Ward No.16, Awari, P.O.- Mohania, P.S. Mohania, Dist. Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Kaimur at Bhabua
4. The District Education Officer, Kaimur at Bhabhua
5. The District Programme Officer (Establishment), Kaimur at Bhabhua

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar
		Mr. Pranav Kumar
For the Respondent/s	:	Mr. AC to SC-28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-07-2019 Heard learned counsel for the petitioners and the State.

The petitioners have filed the present writ application for a direction to the respondents to pay arrears of salary as well as current salary.

The petitioners approached the District Teachers Appellate Authority twice. After the decision in the 1st round, in case no. 51 of 2011, which was disposed of on 16.06.2011. The respondents allowed the petitioners to join in response to order dated 16.06.2011. Thereafter the respondent Block Education Officer, Adhaura issued Annexure-2 and 2/1. It appears that



thereafter the respondents forcibly restrained the petitioner from performing the duty as Block teacher. Again the petitioners approached the District Teachers Appellate Authority vide Appeal No. 17 of 2018 and 18 of 2018. Once again the District Teachers Appellate Authority issued direction for payment of salary in favour of the petitioners on 23.07.2018, yet the petitioners were not paid salary.

Considering the fact that the petitioners approached the District Teachers Appellate Authority twice and the Appellate Authority passed order in favour of the petitioners, yet the respondents on one or the other ground stopped the salary of the petitioners, such action of the respondents is not justified.

If the respondents are aggrieved by the order of the District Teachers Appellate Authority, they have remedy to approach the State Appellate Authority, but they cannot sit as Appellate Authority and defeat the direction issued by the District Teachers Appellate Authority.

Under the aforesaid circumstances, the writ application is disposed of with a direction to the respondents to ensure payment of salary to the petitioners in terms of the order passed by the District Teachers Appellate Authority as contained in Annexure-3 dated 23.07.2018, unless reversed/set aside or



stayed by the competent court within a maximum period of 60 days from the date of receipt/production of a copy of this order, failing which the respondent Block Education Officer, Adhaura is required to pay interest at the rate of 9% per annum to the petitioners from his own pocket from the date of its accrual till the date of actual payment.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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