

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16485 of 2019

1. Sanjay Kumar Sah Son of Arjun Sah, Resident of Village- Dardhi Barhi, Police Station- Baniapur, District- Saran at Chapra, Presently Posted as Assistant Teacher, Utkarmit Middle School, Karahi, Baniapur, Bhag-2
2. Rajesh Kumar Singh, Son of Sunil Kumar Singh, Resident of Kamta, Police Station- Baniapur, District- Saran at Chapra, Presently Posted at Assistant Teacher, Utkarmit Middle School, Khabsi, Baniapur, Bhag-1
3. Asheshawar Prasad Chaurasiya, Son of Indrajeet Prasad Chaurasiya, Resident of Village- Sheikhpura, Police Station- Baniapur, District- Saran at Chapra, Presently Posted at Assistant Teacher, Upgraded Urdu Middle School, Karah Daroga Jee Kee Tola, Baniapur, Bhag-1
4. Aditya Narayan Manjhi, Son of Vikramaditya Manjhi, Resident of Village- Narharpur, Police Station- Marhaura, (O.P. Gaura), District- Saran at Chapra, Presently Posted at Assistant Teacher, Middle School, Baropur, Baniapur, Bhag-1
5. Rakesh Paswan, Son of Ramendra Paswan, Resident of Sahajitpur, Police Station- Baniapur, District- Saran at Chapra, Presently Posted at Assistant Teacher, Middle School, Harpur Karah, Baniapur, Bhag- 1

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
2. The Director, Primary Education, HRD, Government of Bihar, Patna.
3. The Deputy Director, Primary Education, HRD, Government of Bihar, Patna.
4. The Collector, Saran at Chapra.
5. The District Education Officer, District Saran at Chapra.
6. The District Programme Officer(Establishment), Collectorate, Saran.
7. The Block Development Officer, Baniapur, District- Saran.
8. The Block Education Officer, Baniapur, Bhag-1, District- Saran.
9. The Block Education Officer, Baniapur, Bhag-2, District- Saran.
10. The Prakhanda Pramukh-Cum-Chairman, Shikshak Niyojan Samiti, Baniapur, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Binod Singh
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-08-2019 Earlier the petitioners have approached this Court in

C.W.J.C. No. 9586 of 2019 and the favourable order passed by

the District Teachers Employment Appellate Authority was not



extended to the petitioners.

A bench of this court directed the petitioners to approach the District Teachers Employment Authority.

Learned counsel appearing on behalf of the petitioners would submit that District Teachers Employment Authority is non functional and as such the petitioners cannot be rendered remedyless.

In identical facts situation, this court has occasion to pass order on 18.7.2019 in C.W.J.C. No. 14318 of 2019. The relevant part of the order reads as follows:-

“Learned counsel for the petitioners would submit that earlier the petitioners had approached the District Teachers Employment Appellate Authority and vide order dated 30.7.2018, as contained in Annexure-3, the Appellate Authority directed the respondents to make payment of salary to the petitioners, who were appellants therein. The order of the Appellate Authority was not acted upon by the respondents. Aggrieved by the aforesaid inaction of the respondents, the petitioners has filed C.W.J.C. No. 10198 of 2019 which was disposed of on 7.5.2019 with liberty to the petitioners to once again approach the District Teachers Employment Appellate Authority. Now the petitioners have approached this Court with a



grievance that after the order of the writ court they approached the District Teachers Employment Appellate Authority for the same relief second time but the District Teachers Employment Appellate Authority is non-functional and as such the petitioners are constrained to approach this Court by filing the present writ petition.

In the facts of the case, the Court is constrained to direct the respondents to ensure payment of salary to the petitioners in the light of the order dated 30.7.2018 as contained in Annexure-3 within a maximum period of 60 days from the date of receipt/production of a copy of this order failing which the arrears will carry interest at the rate of 9% per annum from the date of accrual till the date of actual payment which shall be borne by the District Programme Officer, Saran at Chapra and the Block Education Officer, Baniyapur, District Saran at Chapra from their own pocket”.

In view of the above, the writ petition is disposed of in similar terms of C.W.J.C. No. 14318 of 2019.

(Anil Kumar Upadhyay, J)

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