

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10104 of 2015

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Nutan Devi, wife of Manoj Kumar Singh, resident of village - Bakhri Bazar,
Police Station - Bakhri Bazar and District Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Begusarai
2. District Teachers Appointment Appellate Authority, Begusarai, through its Secretary.
3. District Magistrate, Begusarai.
4. Block Development Officer, Bakhri, District - Begusarai.
5. Mukhiya, Panchayat Bakhti Paschim, District Begusarai.
6. Panchayat Secretary, Panchayat Bakhri (Paschim), District- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Apurva Kumar, Advocate
For the Respondent/s	:	Mr. Sita Ram Yadav, GP-16
		Mr. Jitendra Kumar, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 09-07-2019 Heard learned counsel for the petitioner and the respondents.

2. The petitioner has filed the present writ application for quashing the order dated 29.07.2013 passed in Case No. 03 of 2012 by the District Teachers Appointment Appellate Authority, Begusarai. The petitioner has also prayed for a direction to the respondents to pay the arrears of salary.

3. So far as payment of arrears is concerned, the respondents have filed counter affidavit and the statements made in para. 5 of the counter affidavit indicate that the



petitioner has been paid arrears of salary. Para 5 of the counter affidavit is quoted herein below for ready reference:

5. That it is stated and submitted that the petitioner is not entitled to get any relief or reliefs as she sought for in para no.1 of this writ application, because the petitioner had filed CWJC No. 13252/08 before the Hon'ble High Court, Patna for setting aside the order dated- 15.7.2008 passed by the B.D.O. Bakhari by which he had cancelled the appointment of the petitioner and two others as Panchayat Teachers. The said writ application was disposed off on 25.10.2011 by the Hon'ble Court with the observation and directions.

Thereafter the petitioner filed M.J.C. No. 365/2013 before the Hon'ble Court. The show-cause was filed by the State Respondents in which stated that the concerned respondents had made payment of due amount of salary, so the Hon'ble Court was pleased to dispose off the said MJC on 03.02.2015.

Thus the petitioner has received her due amount of salary.

The District Teachers Appointment Appellate Authority, Begusarai had initiated as case no.3/12 and notice has been issued to concerned parties for filing rejoinder and relevant documents but the parties had not appeared in the said court. So the teacher appellate Authority was pleased to pass order dated-29.7.2013 without merit of the case.



Hence the petitioner is herself guilty and order dated-29.7.2013 is not quashable.

Under the above mentioned facts and circumstances the petitioner has received her dues amount of salary and she had not taken appropriate steps before the Appellate Authority.

4. In view of the above, the grievance as to payment of arrears of salary stands redressed. The writ application, so far as payment of arrears is concerned, is now become infructuous.

5. The grievance as to the decision of the District Teachers Appointment Appellate Authority, Begusarai is concerned, the petitioner may approach the State Appellate Authority for redressal of her grievance by filing appropriate appeal and the State Appellate Authority may consider the case of the petitioner on its own merit, as the present writ application remained pending in this Court since 10.07.2015.

6. With the aforesaid, this writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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