

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10738 of 2018

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1. Mira Kumari and Ors Wife of Shri Mantu Kumar Bhakta, Resident of Village- Fazilpur, P.S.- Asaon, Siwan- 841287.
 2. Kumari Rini, Wife of Shri Kamlesh Kumar Singh, Resident of Village- Bhaluan Bujurg, P.S.- Manjhi, Chapra- 841208.
 3. Arun Kumar, Son of Shri Rajendra Singh, Resident of Village- Vijayipur Tola Udiyampur, P.S.- Mairwa, Siwan- 841239.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Siwan.
5. The District Programme Officer Establishment, Siwan.
6. The Block Education Officer, Andar, Siwan.
7. The Block Education Officer, Maharajganj, Siwan.
8. The Block Education Officer, Ziradei, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar
For the Respondent/s : Mr. Kameshwar Kumar- GP-17

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 18-07-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The grievance of the petitioners in the present writ application so far as petitioner nos. 1 and 3 as concerned has become infructuous. In view of the fact that the salary of petitioner no.1 and 3 have been paid by the respondents. The respondents have raised dispute so far as validity of



appointment of petitioner no.2 is concerned.

Learned counsel for the respondents submits with reference to counter affidavit that the petitioner no.2 was appointed without any post and further that he was not present at the time of counseling.

The issue of legality and validity of appointment cannot be decided in the writ proceeding particularly when the District Teachers Employment Appellate Authority has passed the order in favour of the petitioner. It appears from the averment made in counter affidavit that the respondents would like to prefer an appeal before the State Appellate Authority against the decision of the District Teachers Employment Appellate Authority. The decision of the District Teachers Employment Appellate Authority is binding unless reverse by competent Court or by the State Appellate Authority. The decision of the District Appellate Authority has not been challenged in this writ petition, nor it has been challenged before the State Appellate Authority.

Under the aforesaid circumstanced, the respondent shall ensure payment of salary to the petitioner no.2 for the period he has been worked. Unless contrary decision is taken by the State Appellate Authority or the competent Court with



regard to petitioner no.2 within a period of 60 days from today.

With the aforesaid, the present writ application stands
disposed of.

(Anil Kumar Upadhyay, J)

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