

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10631 of 2020

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Ramesh Kumar Jha Son of Shri Ganesh Jha Resident of Village and Post
Office- Mahinam, Via- Benipur, Police Station- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary Department of Education, Government of Bihar, Patna.
3. The Director Primary Education, Department of Education, Government of Bihar, Patna.
4. The District Magistrate Darbhanga.
5. The Regional Deputy Director Education, Kosi Division, Darbhanga.
6. The District Education Officer Darbhanga.
7. The District Program Officer (Establishment) Darbhanga.
8. The Block Development Officer Benipur, Darbhanga.
9. The Block Education Officer Benipur, Darbhanga.
10. The Block Teacher Selection/Employment Committee Benipur Block, Darbhanga, through the Ex- Officio- cum- Block Development Officer, Benipur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Chandra Thakur
For the Respondent/s : Mr. Hitesh Kumar, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 11-01-2022

The matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for
following reliefs:

“1. That the petitioner seeks to
invoke the Extra Ordinary writ jurisdiction
of this Hon’ble Court under Article 226 of
Constitution of India for following reliefs:-



A. For issuing writ including writ of Mandamus directing thereby Respondents including Block Development Officer, Benipur, Darbhanga (Respondent No. 8) to comply with the Order dated 10.03.2018, bearing Letter No. 142, passed by District Teacher Appellate Authority, Darbhanga whereby direction has been issued for appointment of the petitioner as Block Teacher as per direction mentioned in the said letter.

B. For issuing writ for Mandamus directing thereby Respondents District Education Officer, Darbhanga (Respondent No. 6) to ensure abidance of the order dated 10.03.2018 passe by District Teacher Appellate Authority, Darbhanga (Annexure-1) is enforced and the petitioner is appointed accordingly in the terms of the aforesaid order.

C. For holding that the Respondent in particular Block-Teacher Selection/Employment Committee, Benipur Block, Darbhanga through the Ex-Officio Secretary Cum Block Development Officer, Benipur, Darbhanga is under the obligation to comply with the order dated 10.03.2018 passed by District Teacher Appellate Authority and the petitioner as such is entitled for appointment in respect of the aforesaid order.

D. For holding that Respondent concerned have deliberately defied the order passed by Hon'ble District Teacher Appellate Authority and despite the imposition of cost by the said Tribunal the reluctance on the part of the Respondents concerned to the comply the order under impugned demonstrate the Status of law lessness, in the Block Development Officer, Benipur as well as in the office District Education Officer, Darbhanga.

E. The Hon'ble Court may pass any order/orders which it may deem fit in the facts and circumstance of the case and within facts and circumstances of the case



and within the ends of equity, Justice and good conscience.”

4. The concerned respondent is hereby directed to pass a suitable order in respect of implementation of the order dated 10.03.2018 vide letter no. 142 passed by the District Teacher Appellate Tribunal, Darbhanga in respect of appointment of petitioner as Block Teacher. The above exercise shall be completed within a period of one month from the date of receipt of this order. If the petitioner is otherwise not eligible a necessary speaking order shall be passed as to why order dated 10.03.2018 passed by the District Teacher Appellate Tribunal, Darbhanga cannot be implemented. Such communication be made to the petitioner and so also copy be forwarded to the District Teacher Appellate Authority, Darbhanga.

5. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

