

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22081 of 2018

Sweta Kumari Shashi @ Sweta @ Sweta Kumari Shahni W/o Sri Narendra Kumar Daughter of Ramekbal Prasad., Resident of Village-Bijbani, P.S.-Jitna, District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors null null
2. The Collector, East Champaran at Motihari.
3. The District Education Officer, East Champaran.
4. The District Programme officer, East Champaran.
6. The Headmaster, Rajkiya Utkramit Prathamik Vidyalay Bharatmahi, Gram Panchayat Raj Pantoka, Block R
7. The Preseiding Officer, District Appellate Authority, East Champaran, Motihari.
8. The Chairman, Prakhand Sikshak Niyojan Samittee, Raxaul, East Champaran.
9. The Block Education Officer, Raxaul, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Adv.
For the Respondent/s : Smt. Shilpa Singh -GA12

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

4 28-11-2022 Heard the parties.

1. The Block Development Officer-cum-Secretary, Employment Unit, Raxaul is present and states that he was appointed in the year 2020 and posted on 03.08.2020 and received the information relating to passing of the order of this Court when he appeared in the other case of similar nature of Priyanka Kumari Vs. State of Bihar on 16.11.2022. He took time on the last occasion and has now issued orders of allowing



the petitioner to join and the petitioner has also joined. The joining report has been placed on record for perusal of this Court.

2. It is also further informed by the Block Development Officer-cum Secretary that the concerned Block Development Officer at that relevant time was asked to file an appeal against the order of the District Teachers Appellate Authority but the appeal was dismissed as the certified copy was not filed. Thereafter no action could be taken. However, this Court finds that the concerned Block Development Officer who was holding the charge has passed an order on 23rd June 2018 directing not to implement the order of the District Teachers Appellate Authority, which is a defiance of a judicial verdict.

3. It is an admitted position that the appeal was not further pursued before the State Appellate Authority. Therefore the order passed by the District Appellate Authority attained finality. Even otherwise there is no authority available with the officers to direct non implementation of order passed by the District Teachers Appellate Authority or the State Appellate Authority. Non-compliance of orders passed by the District Teachers Appellate Authority invites penalty under the then rules of 2015 and the new rules of 2020. Rule 15 of the Rules of



the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015 deserves to be quoted as under:

“15. Power of punishment. - (1) The directions given for submitting required documents and the orders passed in complaint / appeal cases by the District Appellate Authority shall be complied by the concerned authorities and employment units;

(2) The District Appellate Authority may take cognizance, in cases of non compliance of its directions and orders, The petitioner may also file a case regarding non-compliance of order of the District Appellate Authority.

(3) The Appellate Authority may issue notices to the parties concerned and shall give a reasonable time to comply the directions / orders.

(4) In the case of non-compliance of the directions / orders, the Appellate Authority may impose a fine up to Rs. 50,000/- (Fifty thousand rupees) on the responsible party. In addition to this, the Appellate Authority may recommend for departmental proceeding and necessary action against the guilty persons under the provisions of Bihar Service code, Panchayati Raj Act, Municipal Act and other Rules. The Party concerned shall be given reasonable opportunity of being heard before imposing any penalty on them. The amount of penalty shall be deposited in the treasury in the Head communicated / specified by the department. The amount of penalty shall be recovered as public demand.”

And now Rule 16 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and



Appeal) Rules, 2020 also deserves to be quoted as under:

“16. Power to impose Punishment:-

In case of non-compliance of the order/direction or in case of any complaints by the party for compliance of the order;-

(i) The Appellate Authority shall impose punishment against concerned party but he will be given adequate opportunity of hearing before imposing punishment.

(ii) The Appellate Authority may impose penalty up to Rs. 50,000/- (Fifty thousand only) upon the answerable party. The amount of penalty shall be deposited in the Treasury under the head indicated by the Department. The amount of penalty shall be recoverable by way of Public demand.

(iii) The Appellate Authority shall have jurisdiction to make recommendation to the concerned Department to initiate Departmental proceeding or to take necessary action against the delinquent employee under the provisions of Bihar Service Code/Bihar Panchayat Raj Act 2006/Bihar Municipal Act 2007 and other relevant provisions.”

4. Keeping in view, the aforesaid provisions this Court is satisfied that a penalty of an amount of rupees 50,000 is



required to be imposed, apart from initiating departmental proceeding against the concerned officers who have choosen to defy the orders of the District Teachers Appellate Authority. The said amount of penalty shall be deposited and shall be paid to the petitioner who was deprived of not joining on the post for long time. The order shall be implemented positively within a period of three months.

The writ petition is allowed as above.

(Sanjeev Prakash Sharma, J)

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