

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15721 of 2022

Meera Kumari Daughter of Sri Ram Prasad Das, Wife of Awadh Bihari,
Resident of Village Maniyarpr, P.O. and P.S. Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Department of Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur.
4. The District Magistrate, Banka.
5. The Block Development Officer, Barahat, District- Banka.
6. The District Education Officer, Banka.
7. The Block Education Extension Officer, Barahat, District- Banka.
8. The Panchayat Secretary, Gram Panchayat Raj, Mirjapur, Block- Barahat, District- Banka.
9. The Mukhiya, Gram Panchayat Raj, Mirjapur, Block- Barahat, District- Banka.
10. Uttam Kumar Das, Son of Sri Ganga Das, Resident of Village- Harna, P.O.- Maniyarpur, Via- Bausi, P.S. Bausi, District- Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Adv.
For the Respondent/s : Mr. Amit Bhushan, AC to GP- 17

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 24-11-2022

1. Heard the parties.

2. The petitioner states that the order passed by the State Appellate Authority dated 02.04.2019 directing the respondents to decide the representation of the petitioner and take a decision relating to the petitioner after giving him opportunity of hearing has not been complied with.

3. Rule 16 of the Rules of 2020 as well as the earlier



Rules of 2015 provided 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 upto Rs. 50000/- (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.

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 case of non compliance of its directions and orders, The petitioner may also file a case regarding non-compliance of the 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.

4. In the opinion of this Court, the power is available in the concerned appellate authority to impose punishment and therefore an application under Rules 16 would be maintainable before the State Appellate Authority if the order of the State Appellate Authority is not complied with.

5. Granting liberty to petitioner to file an appropriate application, the writ petition is disposed of.

(Sanjeev Prakash Sharma, J)

amit/-
Item no.35

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