

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16711 of 2022

1. Md. Ezaz @ Md. Ejaz son of Shekh Safiq, resident of Village Pirpanti Bazar, P.O.-Pirpanti, P.S.-Bhagalpur, District-Bhagalpur. Presently working as Panchayat Teacher at Primary School Paschim Tola, Bishariya, Block-Korha, Distirct-Katihar.
2. Rinku Kumari, Daughter of Sri Pureshwar Prasad Yadav, Resident of Village Madhura Milk, P.O.-Marwa, Police Station-Korha, District-Katihar, Presently working as Panchayat Teacher at Primary School Paschim Tola, Bishariya, Block-Korha, Distirct-Katihar.
3. Amit Srikrishna son of Janardan Prasad Yadav, Resident of Village-Kishorganj, P.O.-Pawai, P.S.-Korha, District-Katihar, presently working as Panchayat Teacher at Primary School Krishnaji Asthan, Bisharia, Block-Korha, District-Katihar.
4. Subodh Kumar Ray, son of Umesh Prasad Ray, Resident of Village-Phulwaria, P.O.-Marwa, P.S.-Korha, District-Katihar, presently working as Panchayat Teacher at Primary School Krishnaji Asthan, Bisharia, Block-Korha, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department (Primary Education), Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Katihar.
4. The District Education Officer, Katihar.
5. The District Programme Officer (Establishment), Education Department, Katihar.
6. The Block Education Officer, Block-Korha, District-Katihar.
7. The Panchayat Secretary, Gram Panchayat Raj Bishariya Prakhand-Korha, District-Katihar.
8. The Mukhiya, Gram Panchayat Raj Bishariya Prakhand-Korha, District-Katihar.
9. The Headmaster, Primary School Paschim Tola Bisharia Block-Korha, District-Katihar.
10. The Headmaster Primary School Krishnaji Asthan Biharia, Block-Korha, District-Katihar.
11. The Chairperson, State Appellate Authority, Education Department, Governemnt of Bihar, Niyojan Bhawan, Bailey Road, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jibendra Mishra, Adv.
For the Respondent/s : Mr. Subhash Chandra Mishra (SC 16)



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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 14-12-2022 1. Learned counsel for the petitioner states that in spite of direction issued earlier by the District Appellate Authority the payment has not been made . This Court finds that a contempt petition was filed before the State Appellate Authority and show cause was issued where after, an order has been passed by the District Education (Establishment) Officer, Katihar dated 28.11.2020, whereby it rejected the claim of the petitioner. The said order dated 28.11.2020, is not under challenge in the present Court proceedings while the order passed by the State Appellate Authority is under challenge whereby the application for initiating proceedings against the respondent has been rejected.

2. Learned counsel submits that compliance was not made and therefore, there was no occasion to reject the proceedings initiated for contempt. I have considered the submission, the State Appellate Authority vide its order dated 07.12.2020, observed that certain teachers were granted the requisite amount of salary while others were found to have not been working on the post, an order, Annexure H dated 28.11.2021 was placed before the State Appellate Authority and it granted liberty to the petitioner to challenge that order.



However, the petitioner has not challenged the said order and has only asked this Court to quash the order of the State Appellate Authority dated 07.12.2020.

3. In the opinion of this Court, the order dated 07.12.2020 does not warrant any interference as it allows the petitioner to assail the original order passed by the State Government denying the entire pay benefits at appropriate forum. The approach adopted by the State Appellate Authority, therefore, is found to be in consonance with the settled legal proposition.

4. Writ petition as against the order of the State Appellate Authority is found to be devoid of merits and is accordingly dismissed. However, the liberty, as granted by the State Appellate Authority, for challenging the order of the State Government dated 28.11.2020, shall remain in force.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 14

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