

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20712 of 2018

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Priyanka Kumari W/o Dr. Kaushal Kishore D/o Balmikii Prasad Barnwal
Resident of Ward No.10,Village-Bhelahi,Police Station Palanwa,Distt.-East
Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector,East Champaran at Motihari
3. The District Education Officer,East Champaran
4. The District Programme Officer,East Champaran
5. The Block Development Officer-cum-Secretary,Prakhand Sikshak Neyojan
Samittee,Raxaul,East Champaran
6. The Headmaster,Utkramit Madhya Vidyalaya Kukiriya,Bhelchi,Raxaul,East
Champaran
7. The Presiding Officer,District Appellate Authority,East Champaran,Motihari
8. The Chairman,Prakhand Sikshak Niyojan Samitee,Raxaul,East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Adv.
For the State : Smt.Binita Singh -Sc28

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

ORAL ORDER

3 16-11-2022

1. Heard the parties.

2. This Court vide order dated 18.10.2022 directed as

under:-

“Learned counsel appearing for the State shall
take instructions giving out reasons for passing of the order
dated 22.06.2018. The Block Development Officer-cum-
Secretary Block Teachers Employment Samittee Unit,
Raxaul shall remain present on the next date to explain his
conduct.”

3. The Block Development Officer-Cum-Secretary,



Block Teachers Employment Unit, Raxaul is present and states that he was appointed in the year 2020. He was posted on 03.08.2020 and received the information only after the passing of the aforesaid order dated 18.10.2022 about the earlier order dated 22.06.2018. He has immediately taken steps and issued orders of appointment vide Memo No. 1076 dated 11.11.2022.

4. Learned counsel submits that the compliance of the order of the District Appellate Authority has been made.

5. This Court however, finds that while the compliance has been made, the concerned Officer, who passed the order on 23.06.2018 staying the implementation of the District Teachers Appellate Authority's order, is required to be held accountable for the present litigation which was forced upon the petitioner.

6. Admittedly, no appeal was preferred against the order of the District Appellate Authority and the same had attained finality. As per the provisions of The Bihar State School Teachers and Employees Disputes Redressal Rules, 2015 and the new Rules of 2020, if the order of the District Appellate Authority is not complied with, penalty is required to be imposed on the concerned Officer to the tune of Rs.50,000/- (fifty thousand) which reads as under:-



7. The Bihar State School Teachers and Employees

Disputes Redressal Rules, 2015 which reads 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 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.

16. Proceeding before an Appellate Authority to be judicial Proceeding:-

All proceeding before the Appellate Authority shall be deemed to be judicial proceeding within the meaning of Sections 193, 219 and 228 of the Indian Penal Code (45 of



1860).”

8. The Bihar State School Teachers and Employees

Disputes Redressal Rules, 2020 which reads as under:-

“16. Power to impose Punishment:-

In case of non-compliance or 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. 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.”

9. Keeping in view above, the Officer who is present in the Court shall take steps of recovery the penalty amount of Rs. 50,000/- (fifty thousand) from the concerned Officer, who was holding the post at that relevant time, by informing his Superior Officers, relating to non-compliance of the order for



such a long time.

10. At the same time, the petitioner would be entitled to receive the amount of penalty as prescribed above within a period of 15 days from the office of the respondent Block Development Officer-cum-Secretary, Raxaul.

11. The writ petition is disposed of with the aforesaid terms.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 93

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