

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2826 of 2023

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1. Radheshyam Yadav son of Chandeshwar Yadav, resident of Village- Kaladih, P.O.- Jagannathpur, P.S.- Biraul, District- Darbhanga.
 2. Amresh Kumar Singh, son of Sri Bachchelal Singh, resident of Village- Sakatpur, P.O.- Pokharbhinda, P.S.- Sakatpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Education Officer, Darbhanga, District- Darbhanga.
5. The District Programme Officer (Establishment), Darbhanga.
6. The Block Development Officer, Sadar Darbhanga, District- Darbhanga.
7. The Block Panchayati Raj Officer, Sadar Darbhanga, District- Darbhanga.
8. The Block Education Officer, Sadar Darbhanga, District- Darbhanga.
9. The Mukhia, Gram Panchayat Raj, Balaha, Block- Sadar Darbhanga, District- Darbhanga.
10. The Panchayat Secretary, Gram Panchayat Raj, Balaha, Block- Sadar Darbhanga, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate
For the Respondent/s : Ms. Binita Singh (SC-28)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 18-12-2023 The present writ application has been filed for implementation of the order, dated 25.07.2020, passed by the District Teachers Employment Authority, Darbhanga, in Appeal Case No. 26 of 2019, whereby the Appellate Authority directed for appointment of twelve persons as Panchayat Teachers. Out



of twelve nine have been appointed and three candidates have been left out, out of which, two candidates have filed the present writ application.

2. Learned counsel for the petitioners submits that under Rule 16 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (hereinafter referred to as 'the 2020 Rules'), the District Teachers Appellate Authority is empowered to initiate action for non-compliance of its order.

3. Rule 16 of the 2020 Rules is quoted herein below :-

“ 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. 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. After having heard learned Counsel for the parties and taking into consideration the nature of prayer made in this writ application and the fact that Rule 16 of the 2020 Rules empowers the District Appellate Authority to initiate action for non-compliance of its orders and a co-ordinate Bench of this Court, in C.W.J.C. No. 14055 of 2022 and C.W.J.C. No.13637 of 2022, has held that the District Appellate Authority has power to get its orders implemented and can also take action against the concerned defaulting officers including imposition of fine, I deem it fit and proper to direct the petitioners to approach the District Appellate Authority, Darbhanga, for implementation of its order, dated 25.07.2020.

5. With the aforesaid observations and directions, this writ application stands disposed.

(Anil Kumar Sinha, J.)

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