

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13636 of 2022

1. Dharmendra Kumar Sri Rajendra Prasad Resident of Village-Goreyakothi, Police Station-Goreyakothi, District-Siwan.
2. Mohan Kumar Singh Son of Late Chandrama Singh Resident of Village-Sirisiya Barhoga Jadu, Police Station-Jamo Bazar, District-Siwan.
3. Vijay Ranjan Dubey Son of Sri Pramod Kumar Dubey Resident of Village-Barhoga Parsotim, Police Station-Jamo Bazar, District-Siwan.
4. Mrityunjay Kumar Singh Son of Surendra Singh Resident of Village-Hariharpur (Kala), Police Station-Jamo Bazar, District-Siwan.
5. Ashutosh Kumar Son of Sri Baidyanath Singh Resident of Village-Sadipur, Police Station-Goreyakothi, District-Siwan.
6. Ashwini Kumar Son of Late Mohan Lal Prasad Resident of Village-Mirzapur, Police Station-Goreyakothi, District-Siwan.
7. Anirudh Kumar Yadav Son of Vishwanath Yadav Resident of Village-Chand Tola, Police Station-Jamo Bazar, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secreary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment) Siwan.
7. The Chairman of Block Employment Committee-Cum-Prakhand Pramukh, Goreyakothi, District-Siwan.
8. The Block Development Officer, Goreyakothi, Siwan.
9. The Block Panchayati Raj Officer, Goreyakothi, Siwan.
10. The Block Education Officer, Goreyakothi, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Prabhakar Jha (GP 27)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 07-10-2023

1. Heard the learned counsel for the petitioner and



the learned counsel appearing for the respondents.

2. The present writ petition has been filed for implementation of the order dated 19.12.2020, passed by the learned District Teacher Employment Appellate Authority, Siwan in *Appeal no. 139 of 2016 (Hari Chandra Prasad and others v. The State of Bihar and others)*, by which, direction has been given to the Block Employment Unit, Goreyakothi, Siwan to consider and appoint the petitioners as untrained Block teachers in Teachers Niyojan, 2006 against the vacant post available since 2013-14 due to non-joining of some appointed teachers.

3. Learned counsel for the petitioners submits that since the District Teacher Employment Appellate Authority was not functioning, therefore, the petitioners have filed the present writ application for implementation of the order dated 19.12.2020 passed by it. Learned counsel further submits that the District Teacher Employment Appellate Authority, under *Rule 16 of the Rules of 2020*, is empowered to initiate action for non-compliance of its order. *Rule 16 of the Rules of 2020* is quoted hereinbelow :-

“ 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. Learned counsel for the State, on the other hand, submits that the order passed by the District Teacher Employment Appellate Authority is erroneous, inasmuch as the appointment of the petitioners has been directed by the



District Teacher Employment Appellate Authority under ***Bihar Panchayat Elementary Teacher Rule, 2006*** whereas the Rule had changed in the years 2008 and 2012 and ***Rule 16 of Rules 2020*** is not applicable for the petitioners. He further submits that the State has challenged the order passed by the District Teacher Employment Appellate Authority dated 19.12.2020, in ***Appeal no. 36 of 2023***, before the State Appellate Authority and the appeal filed by the respondent-State is still pending. It is next submitted that a co-ordinate Bench of this Court in identical circumstances, in C.W.J.C. no. 14055 of 2022 and C.W.J.C. no.13637 of 2022 has held that the District Teacher Appellate Authority has power to get its orders implemented and can also take action against the concerned defaulting officers including imposition of fine. Accordingly, the petitioners be granted liberty to agitate their grievances before the concerned District Teacher Appellate Authority.

5. Having regard to the aforesaid facts and circumstances of the case, I deem it fit and proper to direct the petitioners to approach the concerned District Teacher Appellate Authority for implementation of its order dated 19.12.2020.



6. With the aforesaid observations and direction,
this writ application stands disposed off.

(Anil Kumar Sinha, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.10.2023
Transmission Date	NA

