

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15781 of 2019

1. Ranju Kumari, Daughter of Kishori Sahu Resident of Village and P.O.- Kauaha, P.S.- Harlakhi, District- Madhubani.
2. Ranjeet Yadav Son of Rajendra Yadav, Resident of Village- Bokaha, P.O.- Salempur, P.S.- Saharghat, District- Madhubani.
3. Shyam Bihari Mishra Son of Kaushal Kishore Mishr resident of Village and P.O.- Siriyapur, P.S.- Basopatti, District- Madhubani.
4. Ram Bhuwan Das, Son of Rajendra Das, resident of Village and P.O.- Basuki Madhwapur, Madhubani District- Madhubani.
5. Ramesh Thakur Son of Gangadhar Thakur, Resident of Village Kamtaul, P.O.- Phulhar, P.S. Harlakhi, District- Madhubani.
6. Mamta Jha Daughter of Dev Kant Jha, resident of Village- Barhi, P.S.- Harlakhi, District- Madhubani.
7. Sumit Kumar Thakur, Son of Ram Kumar Thakur, resident of Village Sundarpur P.O. and P.S.- Basopatti, District- Madhubani.
8. Baby Kumari Daughter of Indesh Pratihast resident of Village- Pihwaha, P.O. and P.S. Saharghat, District- Madhubani.
9. Dhananjay Kumar Dhiraj Son of Uma Shankar Prasad Rai, resident of Village Mukhiapatti, P.O. and P.S.- Saharghat, District- Madhubani.
10. Suresh Purbe Son of Jibbach Purbey, resident of Village- Pachratan, P.O.- Gothbanki, P.O.- Basopatti, District- Madhubani.
11. Ragini Kumari, Daughter of Ram Kripal Bhagat, resident of Village and P.O.- Uttra, P.S. Saharghat, District- Madhubani.
12. Aarti Kumari Daughter of Mithilesh Kumar Mahto, resident of Village- Uttra, P.S.- Saharghat, District- Madhubani.
13. Shubham Kumar Karn, Son of Pramod Lal Karn, Resident of Village- Basuki Bihari, P.S.- Madhwapur, District- Madhubani.
14. Satish Kumar, Son of Birendra Paswan, resident of Village, P.O. and P.S.- Saharghat, District- Madhubani.
15. Ram Swarth Paswan, resident of Village- Riga P.S.- Sadar Police Station, District- Sitamarhi.
16. Ranjit Kumar Baitha Son of Baldeo Baitha, Resident of Village and P.O.- Riga, P.S. Sadar Police Station, District- Sitamarhi.
17. Md. Jaffar Son of Md. Jainuddin, resident of Village and P.O.- Subki P.S. Khajauli, District- Madhubani.
18. Saroj Kumar Rai, resident of Village- Balba, P.O.- Saharghat, P.S.- Madhwapur, District- Madhubani.
19. Mahendra Yadav, Son of Rajeshwar Yadav, Resident of Village Pansalwa, P.O.- Gangour, P.S. Harlakhi, District- Madhubani.
20. Dayanand Kumar, Son of Ram Narayan Yadav, Resident of Village- Bairwa Godam Tola, P.O.- Saharghat, P.S.- Madhwapur, District- Madhubani.



21. Pushpanjali Kumari Wife of Mukesh Kumar, Resident of Village Begra, P.O.- Begra, P.S.- Saharghat, District- Madhubani.
22. Ankit Kumar, Chandreshwar Prasad, resident of Village and P.O. Gangour, P.S.- Harlakhi, District- Madhubani.
23. Gajendra Kumar, Son of Ram Nandan Rai, Resident of Village Dharharwa, P.O.- Dharharwa, P.S.- Parihar, District- Sitamarhi.
24. Mohan Prasad Son of Upendra Yadav, Resident of Village- Bairwa, P.O.- Saharghat, P.S.- Madhwapur, District- Madhubani.
25. Brahamdeo Yadav, Son of Dev Lal Yadav, resident of Village and P.O. Gangour, P.S.- Harlakhi, District- Madhubani.
26. Vimal Kumari, Daughter of Rajdeo Yadav, resident of Village Mohanpur, P.O.- Harlakhi, District- Madhubani.
27. Rakesh Kumar, Son of Sone Lal Yadav, resident of Village and P.O. Gangaur, P.S.- Harlakhi, District- Madhubani.
28. Vinod Kumar Son of Chandeshwar Yadav, resident of Gangaur, Village and Police Station- Harlakhi, District- Madhubani.
29. Nutan Kumari, Daughter of Mahashankar Jha, resident of Village and Village Lorika P.S.- Benipatti, District- Madhubani.
30. Sanjiv Kumar Jha, Son of Mahendra Jha, resident of Village and P.O. and P.S.- Saharghat, District- Madhubani.
31. Manoj Kumar Yadav, Son of Brajnandan Yadav, resident of Village- Loma, P.O. and P.S.- Saharghat, District- Madhubani.
32. Gita Kumari, Wife of Suman Kumar, resident of Village- Baschariya, P.O. and P.S.- Saharghat, District- Madhubani.
33. Babita Kumari Wife of Hem Kumar Yadav, resident of Village- Pansalwa, P.O.- Gangaur, P.S.- Intlokhi, District- Madhubani.
34. Sunita Kumari resident of Village, P.O. and P.S.- Saharghat, District- Madhubani.
35. Neelam Kumari, Wife of Ugresh Lal Karn, resident of Village, P.S.- Saharghat, District- Madhubani.
36. Ashok Kumar Sharma, Son of Dinesh Sharma, resident of Village Basbariya, P.O.- Saharghat, P.S.- Saharghat, District- Madhubani.
37. Kiran Kumari Wife of Kaushal Kishore Mishr, resident of Village and P.O.- Siriyapur, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The District Education Officer, Madhubani.
6. The District Programme Officer, Madhubani.



7. The Sub Divisional Officer, Benipatti, Madhubani.
8. The Block Education Officer, Madhawapur, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-04-2023 The present writ application has been filed for the
following reliefs:-

“That this is an application for issuance of a Writ in nature of Certiorari to quash the letter contained in Memo No. 642 dated 20/3/2019 issued under the signature of the District Magistrate, Madhubani whereby and where under a direction has been issued to the D.E.O Madhubani to take appropriate legal action including lodging of F.I.R against the responsible persons as per the recommendation of the enquiry committee made at Serial no. 1 to 4 in the last paragraphs of the enquiry report without even issuing show cause notice to the petitioners.

And also to quash the ex-parte enquiry report of three men Committee as contained in Memo No. 144 dated 11/3/2019 issued under the signature of the Sub Divisional Officer, Benipatti, District Madhubani which has been submitted without spot verification or without giving any opportunity to the so-called responsible persons or the petitioners.

And also to quash the consequential order as



contained in letter No. 720 dated 26/3/2019 issued under the signature of the District Education Officer, Madhubani whereby and where under a direction has been issued to the District Programme Officer, Madhubani for lodging of F.I.R and recovery of money against responsible persons who have been held guilty by the enquiry Committee.

And further for issuance of a Writ in the nature of mandamus commanding and directing the respondent authority to not to take any coercive action against the petitioners and also not to recover any amount from the petitioners. And allow them to work regularly on the post of Panchayat/Block Teachers upon which they were appointed under due procedure and are working for last more than eight years and also to pay them current as well as arrears of salary for which they are legally entitled to.

And/or issue any other appropriate Writ/Writs, order/orders, direction/directions for which the petitioners may be found legally entitled to in the facts and circumstances stated hereunder.”

Learned counsel for the petitioners submits that petitioners are Panchayat / Block Teachers and are not being paid their salary.

Learned counsel for the State submits that the petitioners have approached directly before this Court without availing remedy before the District Teachers' Appellate



Authority, which is now functional.

In view of the aforesaid, this writ application is disposed of with liberty to the petitioners to approach the District Teachers' Appellate Authority for redressal of their grievances.

It is made clear that if appeal is filed by the petitioners within one month along with condonation of delay petition, the District Teachers' Appellate Authority shall consider the same in accordance with law.

(Anil Kumar Sinha, J)

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