

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9680 of 2014

Suchita Kumari, W/o Arun Kumar Singh, R/o Village- Gaibandhi, Post Office- Ibrahimpur Parsauni, P.S- Phenhara, District- East Champaran presently posted as Assistant Teacher Rajkiya Primary School Izorbara West, P.S- Phenhara Block- Phenhara, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Panchayati Raj, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari
3. The Panchayat Raj Officer, East Champaran at Motihari.
4. The District Education Officer, East Champaran at Motihari.
5. The Program Officer (Establishment), East Champaran at Motihari.
6. The Block Education Officer, Phenhara Block, Distt.- East Champaran.
7. The Block Development Officer, Phenhara Block, Distt.- East Champaran
8. The Mukhiya, Panchayat Raj Bara Parsauni, P.S Block- Phenhara, District- East Champaran
9. The Panchayat Secretary, Panchayat Raj Bara Parsauni, P.S Block- Phenhara, District- East Champaran.
10. The Headmaster Rajkiya, Primary School, Izorbara (West), P.S Block- Phenhara, District- East Champaran,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
		Mr. Abinash Kr. Sinha, Advocate
For the Respondent/s	:	Mr. Ashok Kumar, SC-11

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 01-12-2023 1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the instant application for the following relief(s):-

“1. (i) For issuance of writ in the nature of Mandamus or any other appropriate writ, order,



orders directions for commanding the respondent to compliance the order passed by District Teacher Niyojan Appellate Authority in Appeal no. 879/2012 (Suchita Kumari V/s Block Education officer & other) by which the learned Appellate Authority was pleased to set- aside the termination order issued by Panchayat Secretary/ Mukhiya vide Letter no. 22 dated- 4.10.12 under Panchayat Teacher appointment Rule 2012 and Block Education officer vide letter no. 323 dt. 19.10.12 and directed to the concerned respondents to pay dues salary of the petitioner since June 2008 to till date (Annexure-2 and 4).

(ii) For issuance of any other appropriate writ order or direction or other consequential relief or reliefs which your lordship may deem fit & proper in the facts and circumstances of the case.”

3. It is submitted by learned counsel for the petitioner that during pendency of this application pursuant to the order of this Court, the arrears of salary payable to the petitioner has been paid to him except under one head. It is submitted that while the petitioner had undergone teachers training, he has not been paid some amount due and payable to a trained assistant teacher and on that ground, it is submitted that liberty be granted to the petitioner to file an appropriate representation before the respondents for that limited purpose.

4. Learned counsel for the respondents files a second



supplementary counter affidavit on behalf of the Program Officer (Establishment), East Champaran at Motihari (respondent no.5) which is taken on record. Paragraph nos. 5 and 6 of the said affidavit is quoted herein below for ready reference:-

“5. That as per direction contained in the aforesaid order dated 23.11.2023 it is submitted that the petitioner has already been paid the arrears of salary for the period from July 2010 to March 2013 for Rs. 1,97,000/- vide this dependent's advice Letter No. 4989 dated 22.11.2023 and from July 2017 to October 2019 for Rs. 4,43,981/- vide this dependent's advice letter no. 5102 dated 29.11.2023 have been paid to the petitioner.

The Photostat copies of the aforesaid advice Letter No. 4989 dated 22.11.2023 and Letter No. 5102 dated 29.11.2023 are annexed herewith and marked as Annexure-R/D & R/E to this 2nd supplementary counter affidavit.

6. That under the facts and circumstances stated hereinabove the present writ petition may kindly be disposed off and this respondent may kindly be exonerated from the personal appearance in the Hon'ble High Court, Patna.”

5. In view of the facts and circumstances of the case, especially the contents of the counter affidavit of respondent no.5 as quoted herein above, this writ application is disposed of



giving liberty to the petitioner to file an appropriate representation before the respondent no.5 for the prayer made as stated herein above.

6. In case, such a representation is filed, the same shall be disposed of within a period of four months and in case any amount is found payable, the same shall be paid within the aforesaid period.

7. This writ application stands disposed of.

(Partha Sarthy, J)

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