

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2256 of 2021

In
Civil Writ Jurisdiction Case No.5162 of 2021

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Arvind Kumar Son of Sri Rooplal Yadav, Resident of Village - Rampur, P.S.-
Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Tripurari Sharan, the Chief Secretary, Government of Bihar, Patna.
2. Mr. Sanjay Kumar, the Principal Secretary, Education Department, Government of Bihar, Patna.
3. Mr. Manoj Kumar Special Secretary, Education Department, Government of Bihar, Patna.
4. Mr. Sushil Kumar, the Director (Administration), Education Department, Government of Bihar, Patna.
5. Mr. Amarendra Prasad Singh, the Director (Primary Education) Education Department, Government of Bihar, Patna.
6. Mr. Jashpal Mina, the District Magistrate, District - Nawada.
7. Mr. Sanjay Choudhary, the District Education Officer, District - Nawada.
8. Mr. Dilip Kumar, the District Programme Officer, District - Nawada.
9. Smt. Asha Devi, the Prakhanda Pramukh-Cum-Chairman, Teachers Employment Committee, Block - Akbarpur, District - Nawada.
10. Kumari Shashi Kala, the Block Education Officer-Cum-Secretary, Teachers Employment Committee, Block - Akbarpur, District - Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Chaudhary, Sr. Advocate
on behalf of Mr. Bholu Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Rastogi, AAG-10

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 04-05-2023 The instant M.J.C. is filed due to non-compliance of

the order dated 05.07.2021 passed in CWJC No. 5162 of 2020

by a Division Bench of this Court. The following order has been



passed on 05.07.2021 in CWJC No. 5162 of 2020 :-

“As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the



*aforesaid terms. Interlocutory Application(s),
if any, stands disposed of”*

02. The matter relates to selection and appointment to the post of Block Teacher. The Appointing Authority is not crystal clear as to whether the Selecting Authority is 9th Respondent-the Prakhanda Pramukh-cum-Chairman, Teachers Employment Committee, Block-Akabarapur, District-Nawada or the District Programme Officer, District-Nawada. Whereas the petitioner in terms of order of this Court cited supra [Para-(a)], was required to file representation to the authority concerned within a period of four weeks from the date of order. The authority concerned was required to examine the petitioner's claim for selection and appointment to the post of Block Teacher. Therefore, representation was required to be submitted to 08th and 09th Respondents who are the selecting and appointing authority. On the other hand, the petitioner is stated to have submitted representation to the Principal Secretary, Education Department, Government of Bihar, Patna (2nd Respondent).

03. Learned counsel for the petitioner submitted that there were serious allegations insofar as process of selection and appointment to the post of Block Teacher, including certain vigilance inquiry etc, therefore, the petitioner had submitted



representation(s) to the Principal Secretary, Education Department, Government of Bihar, Patna and the District Magistrate, Nawada.

04. Submission of representation to a wrong authority and impleading of all such mis-joinder of authorities as respondents in contempt matter, without examining what is the role played by each of the respondent authority, is highly improper. For example, in the present contempt petition, the petitioner arrayed the Chief Secretary, Government of Bihar, Patna, the Principla Secretary, Education Department, Government of Bihar, Patna, the Special Secretary, Education Department, Government of Bihar, Patna, the Director (Administration), Education Department, Government of Bihar, Patna, the Director (Primary Education), Education Department, Government of Bihar, Patna and the District Magistrate, Nawada, as parties. When this Court has specifically stated that authority concerned insofar as selection and appointment to the post of Block Teacher is concerned are Respondent No.8- the District Programme Officer, District-Nawada and the Respondent No.9-the Prakhand Pramukh-cum-Chairman, Teachers Employment Committee, Block-Akabarpur, District-Nawada. Therefore, approaching the Principal Secretary while



submitting the representation and filing present MJC, is contrary to the order passed by this Court, in other words, petitioner has approached wrong authority, for the reason that Principal Secretary, Education Department, Government of Bihar, Patna is neither selecting or appointing authority to the post of Block Teacher.

05. In view of these facts and circumstances, the present MJC stands dismissed with a cost of Rs. 2,000/- (two thousand) to be deposited by the petitioner. Cost shall be remitted in the Patna High Court Legal Services Authority, Patna within a period of four weeks from today, reserving liberty to the petitioner to submit a detail representation to the concerned authority like selecting and appointing authority to the post of Block Teacher in terms of the order dated 05.07.2021 passed in CWJC No. 5162 of 2020.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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himanshu/-

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