

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.257 of 2022

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1. Nitu Kumari D/o Sri Ram Nath Choudhary resident of Village and Post - Gerabari Bazar, P.S.- Korha, Distt.- Katihar.
 2. Bindu Kumari D/o Sri Shiv Nandan Sah, resident of Village and Post - Gerabari Bazar Road, Mirchai Bari Chowk, P.S.- Korha, Distt. - Katihar.
 3. Ritu Rani, D/o Sri Murli Bhagat resident of Village- Lahsa, P.O. - Kuraittha, P.S. - Mansahi, Distt.- Katihar.
 4. Satyajeet Kumar Singh S/o Late Ram Kinkar Singh, resident of Village - Indrapuri, P.O. - B.M.P. No. - 7, P.S.- Katihar, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Primary Education, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Deputy Director, Primary Education, Bihar, Patna.
4. The Collector, Katihar.
5. The District Education Officer, Katihar.
6. The District Programme Officer, Katihar.
7. The District Panchayat Officer, Katihar.
8. The Block Education Officer, Mansahi, Katihar.
9. The Block Development Officer, Mansahi, Katihar.
10. The Mukhiya-cum-Chairman, Panchayat Teacher Employment Unit, Gram Panchayat Raj Phulhara, Block - Mansahi, Katihar.
11. Md. Jamal Khan, Panchayat Secretary-cum-member, Panchayat Teacher Employment Unit, Gram Panchayat Raj Phulhara, Block - Mansahi, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. Adv. Mr.Pramod Kumar Mallick
For the Respondent/s	:	Mr.Madanjeet Kumar (GP 20) Mr. Mrigendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 02-12-2023 1. Heard the learned Senior Counsel for the petitioners and
learned Counsel for the State.
2. The present writ petition has been filed for



implementation of the order, dated 10.12.2020, passed by the District Appellate Authority, Katihar, in Appeal No. 20 of 2019, by which a direction has been given to the Employment Unit, Gram Panchayati Raj Phulhara, Mansahi Block, in the district of Katihar, to hold the counselling of the petitioners for the purpose of filling up the vacant posts in respective categories.

3. Learned Senior Counsel for the petitioners submits that the aforesaid order passed by the District Appellate Authority, Katihar, is not being implemented by the concerned respondents, as such a direction may be issued to the authorities to comply with the orders of the District Appellate Authority, Katihar.
4. It is an admitted position that the orders passed by the District Appellate Authority, Katihar, has not been challenged either by the State or anybody else before the State Appellate Authority.
5. Under Rule 16 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (in short, '2020 Rules'), the District Appellant Authority has been empowered to initiate action for non-compliance of its order.



6. 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."

7. Learned Counsel for the State, on the other hand, submits that the appointment of the petitioners has been made under Bihar Panchayat Elementary Teacher Rule, 2006, which has changed subsequently in the years 2008 and



2012 and Rule 16 of Rules 2020 is not applicable for the petitioners.

8. 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, Katihar, for implementation of its order, dated 10.12.2020.
9. With the aforesaid observation and direction, this writ application stands disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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