

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4797 of 2023

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1. Md. Abu Talib Son of Md. Salimuddin, Resident of Mohalla-Asha Nagar, P.O. and P.S.-Sohsarai, District-Nalanda.
 2. Md. Qamruddin Quadri Son of Late Md. Sadique, Resident of Mohalla-Khanquah P.O.-Biharsharif, P.S.-Laheri, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Education Officer, Nalanda at Biharsharif.
5. The District Programme Officer (Establishment), Nalanda at Biharsharif.
6. The Managing Committee, National High School, (and 2) Shekhara, Biharsharif, District-Nalanda through its Secretary.
7. The Managing Committee, Sogra High School, (and 2) Biharsharif, District-Nalanda through its Secretary.

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Ram Sagar Singh, Advocate
For the State : Mr. Madanjeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 28-11-2024

Heard learned counsels for the parties.

2. This writ application has been filed for quashing order dated 13.01.2023 passed in O.A. No. 1020 of 2022 by the State Appellate Authority and further for commanding the respondents to pay dues of salary to the petitioners w.e.f. 01.10.2018 till the date and also current salary on month to month basis and also for grant of all other consequential benefits



to the petitioners for which they are found entitled to.

3. Bereft of the unnecessary details, the facts of the case are that after having completed graduation, petitioners got admission in B.Ed. Course in Session 1984-85 in Sogra College of Education, Biharsharif and passed B.Ed. Examination held in the year 1987 and result for the same was published in March, 1990 and mark-sheet was also issued to the petitioners by the University. Thereafter, Petitioner No. 1 was appointed as Assistant Teacher (Civics) in National High School, Shekhna, Biharsharif, Nalanda vide appointment letter dated 10.07.1996 and subsequently, Petitioner No. 1 joined the school on 11.07.1996 and since then he is continuously working in the school. Petitioner No. 2 was appointed as Assistant Teacher (Physics) in Soghra High School, Biharsharif, Nalanda vide appointment letter dated 26.09.1991 and subsequently, Petitioner No. 2 joined the school on 07.10.1991 and since then he is continuously working in the said school.

4. It is the case of the petitioners that after so many years of satisfactory service, all of a sudden, salary of the petitioners has been withheld w.e.f. 01.10.2018 by the District Education Officer, Nalanda at Biharsharif (Respondent No. 4) and the District Programme Officer (Establishment), Nalanda at



Biharsharif (Respondent No. 5) on the ground that the B.Ed. Degrees of the petitioners from the Sogra College, Biharsharif is unrecognized but no such written orders were given to the petitioners and their salary has been stopped without giving any opportunity of hearing to the petitioners or conducting any proceedings, which is against the settled principle of law and also in violation of principle of natural justice.

5. In view of the aforesaid circumstances, the petitioners, along with others similarly situated, filed writ application before this Hon'ble Court vide *C.W.J.C. No. 6192 of 2021* which stood disposed of vide order dated 30.03.2022 with liberty to the petitioners to file appeal before the District Appellate Authority/State Appellate Authority. After getting the aforesaid order, the petitioners preferred appeal before the District Appellate Authority, Nalanda at Biharsharif on 28.04.2022, however, the said District Appellate Authority was not functional and, therefore, petitioners filed O.A. No. 1020 of 2022 before the State Appellate Authority, which was dismissed vide order dated 13.01.2023.

6. Learned counsel appearing on behalf of the petitioners submits that the appeal preferred by the petitioners before the State Appellate Authority was with regard to payment



of salary. It is settled law that Tribunal is a creature of Statute. Its jurisdiction and powers are confined to appeals made to it and, therefore, confined to the four corners of the complaint. It has neither the power of superintendence nor any inherent power to do justice. Its power is limited to resolve the *inter se* dispute between the parties. It is a Court of limited jurisdiction in that sense. Thus, when a person appeals with a grievance, then the jurisdiction of the Tribunal is limited to the four corners of the grievance and the Tribunal has no inherent power of superintendence or any “*suo moto*” power to invoke any jurisdictional matter related to the *lis* inter-party. In other words, to clarify the position, it can very well be observed that while entertaining a complaint or a grievance, the jurisdiction of a Tribunal/Authority is limited to what is complained against. It cannot undertake a roving enquiry into all aspects of the matter connected or unconnected with the complaint, it has no power of superintendence. The Tribunal/Authority on its own, could not enlarge its own jurisdiction to become supervisory authority over the issue in question and pass judgment thereon.

7. Learned counsel appearing on behalf of the petitioners further submits that similarly situated teachers whose salary was also stopped approached this Hon’ble Court by filing



C.W.J.C. No. 7648 of 2020 and after hearing the parties, this Hon'ble Court vide order dated 22.06.2022 directed the respondents to release and pay salary to such teachers and in compliance of the said order, the Additional Chief Secretary vide Letter No. 746 dated 11.07.2022 directed to all the D.Os./D.P.Os. (Establishment) to release and pay salary to such teachers and the same was paid but not to these petitioners.

8. While assailing the impugned order issued by the State Appellate Authority, learned counsel appearing on behalf of the petitioners submits that the State Appellate Authority has only taken note of Paragraph Nos. 9 and 10 of the judgment rendered by this Hon'ble Court in L.P.A. No. 280 of 2021 and knowingly overlooked and ignored Paragraph No. 21 onwards of the order/judgment dated 06.04.2022, wherein in identical situation, the learned Division Bench has allowed ensuring all the retiral dues to the concerned teacher, apart from payment of salary for the period which was denied to him. He further submits that the State Appellate Authority has exceeded his jurisdiction by passing such kind of order where the appointment of the petitioner was not even in question and moreover, the impugned order is in the teeth of the judgment passed by the learned Division Bench.



9. In this connection, learned counsel appearing on behalf of the petitioners relied upon judgment of this Hon'ble Court dated 09.01.2024 passed in C.W.J.C. No. 17970 of 2022 wherein similarly aggrieved teachers approached this Hon'ble Court and this Hon'ble Court was pleased to allow the writ application quashing the order of the State Appellate Authority and directing the respondents to make payment of salary along with all consequential benefits, including post retiral benefits, within a stipulated period.

10. Learned counsel appearing on behalf of the State is not in a position to dispute the contentions made on behalf of the petitioners.

11. Having heard the rival submissions advanced on behalf of the parties, facts and circumstances of the case as well as the law laid down by the Division Bench of this Hon'ble Court in L.P.A. No. 280 of 2021 and the fact that the issue raised in the instant writ application is no more *res integra* as the same has already been decided by a Co-ordinate Bench of this Hon'ble Court vide judgment dated 09.01.2024 passed in C.W.J.C. No. 17970 of 2022, this Court does not find any requirement to keep the instant writ application pending.

12. Accordingly, the impugned order dated



13.01.2023 passed by the State Appellate Authority in O.A. No. 1020 of 2022, as contained in Annexure-1 to the instant writ application, is bad in the eyes of law and is hereby quashed and set aside.

13. Since the petitioners have already retired from the services during pendency of this case, the respondents are directed to ensure payment of all retiral benefits to the petitioners along with their due salary and consequential benefits, admissible to them in accordance with law, within a period of three months from the date of receipt/production of a copy of this order.

14. With the aforesaid observations and directions, this writ application stands allowed.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2024
Transmission Date	NA

