

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10095 of 2021

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Nikahat Parveen, daughter of Md. Nurul Hoda Khan, resident of Village-Biddi, Police Station- Chainpur, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Department of Education, Bihar, Patna.
4. The District Magistrate, Kaimur at Bhabhua.
5. The District Education Officer, Kaimur at Bhabhua.
6. The District Programme Officer (Establishment) Kaimur at Bhabhua.
7. The Block Development Officer, Chainpur Block, Kaimur at Bhabhua.
8. The Block Education Officer, Chainpur, Kaimur at Bhabhua.
9. The Headmaster, Urdu Middle School, Sikandarpur, Chainpur, District-Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s : Mr. Madanjeet Kumar, GP-20
Mr. Mr. Samir Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

8 10-12-2024 1. The petitioner has approached this Court under Constitutional Writ Jurisdiction, praying for a direction upon the Respondents to release and pay her salary on the basis of an order, dated 23rd of July, 2018, passed by the District Teachers



Appointment Appellate Authority, Kaimur at Bhabhua in Appeal No. 04 of 2014, renumbered as 01 of 2018.

2. It is the case of the petitioner that she was appointed as Block Assistant Teacher on 16th of July, 2012. After her appointment, she submitted her joining report before the Headmaster, Urdu Middle School, Sikandarpur, Chainpur in the district of Kaimur, which was accepted by the Headmaster of the school on 30th of July, 2012.

3. It is contended on behalf of the petitioner that though she joined her service on 30th of July, 2012, she was not granted her salary in spite of her regular performance of work, which compelled the petitioner to file a writ petition bearing C.W.J.C. No. 25474 of 2013 for the same relief. However, the said writ petition was withdrawn by the petitioner *vide* order dated 1st of April, 2014 on the ground that the petitioner wanted to move before the District Teachers Appointment Appellate Authority for redressal of her grievance raised in the said writ petition.

4. Finally, by an order dated 23rd of July, 2018, the appeal filed by the petitioner was allowed by the District Teachers Appointment Appellate Authority, Kaimur at Bhabhua and the Respondents were directed to allow the petitioner to join



her duties with all consequential benefits.

5. Indisputably, the Respondents did not prefer any appeal against the said order, dated 23rd of July, 2018, but the petitioner was also not allowed to join her service and paid her salary on the basis of order, dated 23rd of July, 2018 (Annexure-6).

6. Hence, the instant writ petition.

7. The learned Advocate appearing on behalf of the petitioner draws my attention to an order dated 30th of June, 2022, passed by a Co-ordinate Bench of this Court in the instant writ petition, directing the Respondents to allow the petitioner to draw salary and her services shall not be terminated till the disposal of the instant writ petition.

8. The Respondents have filed counter affidavit and two supplementary counter affidavits on different dates. In the first counter affidavit, it is submitted on behalf of the Respondents that the petitioner got her service on forged appointment letter. In the second supplementary counter affidavit, it is submitted by the petitioner that the petitioner's prayer involved in the instant writ petition was considered by the Block Development Officer-cum-Secretary, Block Teachers Niyojan Ikai, Chainpur, Kaimur at Bhabhua. The concerned



Block Development Officer held that the petitioner does not have academic qualification and Teachers Training certificate for being appointed as a Teacher in the said school. He also held that he inquired into the question as to whether the petitioner had been working in the said school and the Headmaster informed that the petitioner did not perform her service since the date of institution of Chainpur P. S. Case No. 184 of 2012 till 1st of October, 2024.

9. Be it mentioned here that Chainpur P. S. Case No. 184 of 2012 was instituted by the school authority, alleging, inter alia, that the petitioner got her service on forged appointment letter and academic certificates. After institution of the said F.I.R., the Block Teachers Appointment Unit (Prakhand Shikshak Niyojan Ikai, Chainpur) informed her not to attend the school till the disposal of the aforesaid criminal case. The petitioner did not challenge the said order before any authority under the law.

10. It appears from the order, dated 23rd of July, 2018, passed by the District Teachers Appointment Appellate Authority, Kaimur at Bhabhua that the above-mentioned aspects regarding pendency of the criminal case against the petitioner restraining order issued by the Prakhand Shikshak Niyojan Ikai



and subsequent report submitted by the Headmaster of the concerned with respect to service of the petitioner, were not considered by him and without considering the said facts, the petitioner's appeal was allowed.

11. It is submitted by the learned Advocate for the petitioner that the appeal filed by the similarly situated Teachers were allowed and they are getting salary regularly.

12. However, in the instant writ petition, no document is filed on behalf of the petitioner to show as to other Teachers, whose appeals were allowed, also got their service by forged documents or not.

13. In view of such circumstances, this Court is of the opinion that proper remedy of the petitioner lies in filing a comprehensive writ petition, challenging the order, dated 3rd of October, 2024, passed by the Block Development Officer, Chainpur, Kaimur at Bhabhua.

14. In the instant writ petition, this Court is not in a position to allow the prayer of the petitioner on the basis of the order passed by the District Teachers Appointment Appellate Authority, when there is a specific criminal case pending against the petitioner that she got the service by a forged appointment letter and academic certificates.



15. Accordingly, the instant writ petition is dismissed.

16. However, liberty is granted to the petitioner to challenge Annexure- R/E, dated 3rd of October, 2024, annexed with the 2nd supplementary counter affidavit.

(Bibek Chaudhuri, J)

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