

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8076 of 2022

1. Omprakash Singh, Son of Mahendra Singh, Resident of Village - Masahi, Post - Umapur, P.S. - Bhagwanpur, District - Kaimur (Bhabhua).
2. Ashok Kumar Bind, Son of Murahu Bind, Resident of Village - Kalaura, Post - Chhotka Amawn, P.S. - Chand, District - Kaimur.
3. Akhilesh Kumar Ram, Son of Kalpnath Ram, Resident of Village - Chhotka Amawn, Post - Chhotka Amawn, P.S. - Bhagwanpur, District - Kaimur.
4. Shashikant, Son of Baleshwar Prasad, Resident of Village - Padhavti, Post - Pahariya, P.S. - Bhagwanpur, District - Kaimur.
5. Ram Pyare Ram, Son of Purnwasi Ram, Resident of Village - Trawan, Post - Kharenda, P.S. - Belawan, District - Kaimur.
6. Anil Kumar, Son of Tengari Ram, Resident of Village - Ballipur, Post - Pahariya, P.S. - Bhagwanpur, District - Kaimur.
7. Lal Bihari Kumar, Son of Lallan Ram, Resident of Village - Gobrachh, Post - Pahariya, P.S. - Phagwanpur, District - Kaimur.
8. Rajiv Ranjan Maurya, Son of Kripa Narayan Singh, Resident of Village - Suhawal, Post - Chainpur, P.S. - Chainpur, District - Kaimur.
9. Sunil Kumar Singh, Son of Shivnarayan Singh, Resident of Village - Tarahani, P.O. - Mahuwat, P.S. - Sonhan, District - Kaimur.
10. Manoj Kumar, Son of Lalbrat Singh, Resident of Village - Kharati Khurad, P.O. - Shiv Rampur, P.S. - Chand, District - Kaimur.
11. Manish Kumar Tiwari, Son of Awdhesh Tiwari @ Awanish Tiwari, Resident of Village - Bhabua Ward No. 12, Post - Bhabua, P.S. - Bhabua, Dist. - Kaimur.
12. Shilpi Kumari, Daughter of Bijay Pratap Singh, Resident of Village - Denwan, Post - Dumraith, P.S. - Bhabua, Dist. - Kaimur.
13. Pappu Kumar Mitra, Son of Late Lallan Ram, Resident of Village - Miwan, Post - Miwan, P.S. - Sonhan, District - Kaimur.
14. Sabita Kumari, Daughter of Vinod Kumar Singh, Resident of Village - Sonbarsha, Post - Baradhi, P.S. - Chainpur, District - Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Kaimur.
5. The District Education Officer, Kaimur.
6. The District Programme Officer (Estd.), Kaimur.



7. The Block Development Officer, Adhaura - Cum - Secretary, Block Employment Adhaura, Kaimur.
8. The Block Education Officer, Adhaura, Kaimur.

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Syed Masleh Uddin Ashraf, Advocate
For the State : Mr. Jitendra Kumar Roy 1, SC-13

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 14-11-2024 Heard learned counsel for the parties.

2. The present writ application has been filed for execution of the order dated 26.11.2018 passed in Complaint Nos. 23 of 2018 and 24 of 2018 by the District Appellate Authority, Kaimur (Bhabua).

3. At the outset, learned counsel appearing on behalf of the State raises preliminary objection to the effect that an alternative Statutory remedy is available to the petitioners to move before the competent authority by way of filing appropriate application under Section 16 of Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, which reads as:

“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.”

4. In view of the aforesaid facts and circumstances, petitioners are directed to file an application before the concerned Authority.

5. In the event, such application is filed by the petitioners, the authority concerned is directed to dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, as expeditiously as possible.

6. With the aforesaid observations and directions, this writ application stands disposed of.

7. It goes without saying that if any question of limitation arises before the Appellate authority, the same shall be considered, taking into consideration the fact that the petitioners were pursuing the issue before this Court under Article 226 of



the Constitution of India.

(Prabhat Kumar Singh, J)

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