

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10233 of 2020

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Sarwari Khatun Wife of Ejaz Ahmad, Resident of Vilalge-Sujabalpur, P.S. Shankarpur, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Munger
4. The District Education Officer (DEO), Munger.
5. The District Programme Officer (Establishment), Munger.
6. The Block Education Officer (BEO), Sadar Munger Prakhand, District-Munger.
7. The Secretary, District Teacher NIYOZAN Appellate Authority, Munger.
8. The Mukhiya, Gram Panchayat raj, Mirjapur Bardah, Sadar Munger Prakhand, District-Munger.
9. The Panchayat Secretary, Gram Panchayat Niyozan Unit-Mirjapur Bardah Under Sadar Munger Prakhand, District-Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 07-10-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. From perusal of the order sheets, it appears that hard copy of order nos.3 and 4 dated 22.06.2021 and 02.08.2021 respectively, are not attached with the file.

3. Let the needful be done.

4. The present writ petition has been filed for the following



relief/s:-

“A. For issuance of writ in nature of mandamus for commanding and directing the concerned respondent authority including Panchayat Secretary, Gram Panchayat Niyozan Unit- Mirjapur Bardah (respondent no.9) for issuance of Appointment Letter to petitioner for the post of Panchayat Teacher (Urdu) and allow to discharge her legal duty on the said post, which is denied unreasonably since long time despite of the fact that petitioner participated in counseling held on 28.02.2009 and her candidature was duly considered for the said post on the basis of merit list and further the District Teacher Niyozan Appellate Authority, Munger vide order dated 27.07.2011 passed in Appeal No.101/2011 directed the respondent no.9 to take joining of the petitioner, but unfortunately without any legal justification petitioner legal right of employment denied maliciously and not redressed till date despite of several representation filed before the authority.

B. For direction to the Director, Primary Education, Education Department, Government of Bihar, Patna (respondent no.2) to take a final decision on Letter



No.28(H) dated 24.01.2018 communicated by the District Programme Officer (Establishment), Munger (respondent no.5) address to the respondent no.2 wherein a guidance is sought in light of order dated 30.11.2011 contained in Memo No.493 passed by the District Teacher Niyozan Appellate Authority, Munger with respect to the selection and appointment of Panchayat Teacher (Urdu) under Gram Panchayat Niyozan Unit- Mirjapur Bardah, Munger for which counselling was held on 28.02.2009 in which six candidates including petitioner has duly participated.”

5. Learned counsel for the petitioner submits that earlier the District Appellate Authority has passed an order in favour of the petitioner but the said order has not been complied by the Authorities and the District Programme Officer (Establishment), Munger sought a guidance from the respondent no.2 with respect to Niyozan of petitioner in light of Memo No.493 dated 30.11.2011. The petitioner made representation to the Director, Primary Education, Education Department, Government of Bihar for redressal of his grievance but no action was taken.

6. Considering this fact, the petitioner is directed to file a fresh representation enclosing the order passed by the District



Appellate Authority before the Director, Primary Education, Education Department, Government of Bihar, Patna (respondent no.2) within a period of four weeks and the respondent no.2 is well advised to pass a reasoned and a speaking order, within a further period of six weeks, after hearing the parties and in accordance with law.

7. It is made clear that if an order is not passed within the stipulated period, the respondent no.2 shall be personally held liable for non-compliance of the order of this Court.

8. With the aforesaid direction, the present writ petition is disposed of.

(Anjani Kumar Sharan, J)

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