

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10184 of 2022

1. Indu Bhushan Prasad S/o Sri Shashi Ranjan Prasad, Resident of Mohalla-K.M. Tank, Laheriasarai, Post Office and Police Station-Laheriasarai, District-Darbhangha.
2. Raghu Bhushan Prasad, S/o Sri Shashi Ranjan Prasad, Resident of Mohalla-K.M. Tank, Laheriasarai, Post Office and Police Station-Laheriasarai, District-Darbhangha.
3. Sanjay Kumar Nirala, S/o Dharamdeo Yadav, Resident of Village-Supaul, Post Office-Jaideopatti, Police Station-Ghanshyampur, District-Darbhangha.
4. Jawahar Yadav, S/o Laxmi Yadav, Resident of Village-Korthu, Police Station-Ghanshyampur, District-Darbhangha.
5. Ashok Kumar Yadav, S/o Raghunandan Yadav, Resident of Village-Nima, Police Station-Ghanshyampur, District-Darbhangha.
6. Md. Nayeemuddin S/o Md. Malsehuddin, Resident of Village-Simri, Police Station-Ghanshyampur, District-Darbhangha.
7. Md. Abdus Samad, S/o-Abdul Qadir, Resident of Village-Bauram, Police Station-Jamalpur, District-Darbhangha.
8. Md. Salahuddin, S/o Md. Maslehuddin, Resident of Village-Bauram, Police Station-Jamalpur, District-Darbhangha.
9. Satish Kumar, S/o Bhupendra Prasad Yadav, Resident of Village-Pauni, Police Station-Ghanshyampur, District-Darbhangha.
10. Ranjit Kumar, S/o Mahabir Prasad Yadav, Resident of Village-Kiratpur, Police Station-Jamalpur, District-Darbhangha.
11. Akil Ahmad, S/o Shakil Ahmad, Resident of Village-Pali, Police Station-Ghanshyampur, District-Darbhangha.
12. Krishna Kumar Yadav, S/o Mahendra Yadav, Resident of Village-Andauli, Police Station-Bahera, District-Darbhangha.
13. Rekha Kumari W/o Bidyanand Yadav and d/o Bipat Lal, Resident of Village-Pauni, Police Station-Ghanshyampur, District-Darbhangha.
14. Manju Kumari, W/o Sanjay Kumar, Resident of Village-Bairiyahi, Police Station-Laukahi, District-Madhubani.
15. Sahana Anjum, W/o Rashid Alam, Resident of Village-Brahampura, Police Station-Ghanshyampur, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resource Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director, Education, Darbhanga Division, Darbhanga.



5. The District Education Officer, Darbhanga.
6. The District Programme Officer (Establishment), Darbhanga.
7. The Block Education Officer (BEO) Kirathpur, Darbhanga.
8. Gram Panchayat (Teachers Recruitment Cell) Kirathpur, Darbhanga through its Secretary, Police Station-Kirathpur, Block-Kirathpur, Darbhanga.
9. Ganesh Prasad Yadav, Son of Jagdish Yadav, Resident of Village-Nema, Rasiyari, Police Station-Ghanshyampur, District-Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha, Adv.
For the Respondent/s : Mr.Pramod Kumar Singh, AC to SC 16)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 15-05-2024

Heard learned counsels for the parties.

2. Learned counsel for the petitioners submits that the petitioners were appointed as Panchayat Teachers after fulfilling the eligibility under the Panchayat Teacher Rules, 2006. Suffering from non-payment of their salary, some of the petitioners have filed cases before the District Appellate Authority under the rules.

3. Learned counsel further submits that the petitioner no.1 has moved before the District Appellate Authority by filing Appeal Case No. 36 of 2015, which was allowed vide order dated 06.08.2019. He further submits that this Court in C.W.J.C. No. 2715 of 2020 (Annexure-4) directed vide Order dated 20.02.2020 to pay the salary to the teachers. The judicial order has attained finality. The direction to pay salary amounted to



adjudication at the order of the District Authority in view of law laid down by the Apex Court in case of ***Forward Construction Co. Vs. Prabhat Mandal (Regd.) Andheri & Ors.*** reported in (1986) 1 SCC 100.

4. Learned counsel further submits that in the same manner, the appeals by other petitioners being Appeal Case No. 24/2016 decided on 03.08.2019, Appeal Case No. 38/2019 decided on 31.08.2016, Appeal Case No. 02/2016 decided on 06.08.2019 and in these appeals, it was directed to pay salary to the petitioners. The others are petitioner nos. 10 11, 12 & 15, who are also having orders of the District Appellate Authority in their favour.

5. Learned counsel further submits that all the teachers had been paid salary either in compliance of the order of the statutory forum or by the decision of the Competent Authority. Neither the Appellate order nor the judicial order was ever challenged. Thus, the statutory forum order and order of this Court, both attained finality.

6. Learned counsel further submits that the State has never preferred any appeal against the order of the Statutory Forum passed on 31.08.2016, 03.08.2019 and 06.08.2019. It is further submitted that there is already a direction of the



Education Department bearing memo no. 580 dated 11.03.2019 to file appeal within the prescribed time (Annexure-8).

7. Learned counsel further submits that on the pretext of the order passed by the District Education Officer (DEO) dated 20.05.2022, the DPO had filed a grossly belated appeals before the State Appellate Authority bearing Appeal No. 22/2023, 23/2023 and 24/2023 after lapse of more than four years without any explanation for delay in filing of the appeal, but the State Tribunal without condoning the delay directed filing of report and hearing plea of the affected Teachers.

8. Learned counsel further submits that the appeals filed before the State Appellate Authority are against the order passed in the year 2016 and 2019 as mentioned above. The order passed in PIL in CWJC No. 9518/2020 was misused by usurping the power of the District Appellate Authority by the DEO contrary to the order of this Court in CWJC No. 5489/2020 holding all teachers' related dispute to be decided by the District Appellate Authority alone.

9. Learned counsel further submits that the respondent no.5 was *coram non-judice* rather the District Appellate Authority is the appropriate forum for the teachers' related dispute under the statutory rules.



10. Considering the submissions made by learned counsel for the petitioners, I deem it fit to dispose of the writ application with a direction to the State Appellate Authority to dispose of the appeals filed by the District Programme Officer and pass a speaking and reasoned order after hearing the petitioners personally or through their counsel. The State Appellate Authority is also directed to decide the maintainability of the appeals filed on behalf of the concerned respondent Authority.

11. With the aforesaid discussion and observation, the writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.05.2024
Transmission Date	NA

