

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18357 of 2019

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Kumari Nirmala W/o Sanjeev Kumar Vill.- Khushhalchak, P.s.- Bhadaur,
Distt.- Patna at present residing D/o Late Dwarika Pd. resident of Vill.-
Hanuman Bigha, P.s.- Kalsichak Distt.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Director Department of Primary Education, Govt. of Bihar, Patna
3. The District Magistrate Sheikhpura, Distt.- Sheikhpura
4. The District Education Officer Sheikhpura, Distt.- Sheikhpura
5. The District Programme Officer (Establishment) Sheikhpura, Distt.- Sheikhpura
6. The Block Development Officer Ariyari, Block, Distt.- Sheikhpura
7. The District Teacher Appointment Appellate Tribunal Sheikhpura through its Member
8. The Block Education Officer Ariyari, Block Ariyari, Distt.- Sheikhpura
9. The Appointment Unit gram Panchayat Raj Aifri Block Ariyari, Distt.- Sheikhpura
10. The Panchayat Secretary Gram Panchayat Raj, Aifri, Block- Ariyari, Distt.- Sheikhpura
11. The Mukhiya Gram Panchayat Raj Aitri, Block Ariyari, Distt.- Sheikhpura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 19-09-2024 1. The petitioner has filed the present writ application for a direction to the respondents to pay the arrears of salary from 05.01.2018 to till date and current salary with statutory interest.
2. The petitioner applied for appointment on the post of Panchayat Teacher in the year 2006, and later on, she was selected and appointment letter was issued in favour of the petitioner. The appointment of the petitioner was found illegal



along with seventeen other candidates, which was cancelled by the concerned respondent on 05.09.2008. The petitioner challenged the cancellation of her appointment in a writ application bearing CWJC No. 6726 of 2010, which was disposed subject to the outcome of the criminal case and another writ against her termination bearing CWJC No. 591 of 2014 was also dismissed as withdrawn.

3. Some other similarly situated persons filed a writ application challenging the cancellation of their appointment in CWJC No. 19201 of 2013 which also got dismissed by the Hon'ble Single Judge vide order dated 26.11.2013. The Appeal was preferred by six teachers having LPA No. 63 of 2014. The aforesaid LPA was disposed on 01.09.2016 by which the order passed by the learned single judge dated 27th August, 2013 was set aside. The authorities were directed to reinstate the appellants within fifteen days with further direction that they shall be paid salary from the date of their reinstatement however, the reinstatement of the appellants were made subject to the decision of the Appellate Authority in accordance with law.

4. It is pertinent to note here that six appellants had filed the Appeal before the District Appellate Authority which was



pending. Pursuant to the order passed in the LPA, the Mukhiya of the Gram Panchayat vide his letter 02.01.2018 reinstated the petitioner also with effect from 05.01.2018.

5. Learned counsel for the petitioner submits that petitioner has been working pursuant to the order of reinstatement issued by the Mukhiya at Annexure- 5 but the salary has not been paid to her.

6. On the other hand, learned counsel for the respondents submits that though the writ application filed by the petitioner challenging cancellation of her appointment was dismissed, however, the Mukhiya of the Gram Panchayat has issued order of reinstatement of the petitioner in terms of the order passed in LPA No. 63 / 2014 in relation to six other teachers. He further submits that the petitioner has filed Appeal before the District Appellate Authority, Sheikhpur, bearing Appeal No. 09 of 2019 for payment of salary. The Appeal filed by the petitioner is still pending. Accordingly, his submission is that one proceeding was already initiated for payment of salary, the petitioner may not be permitted to seek parallel remedy by filing the present writ application.

7. Having heard learned counsel for the parties, taking into consideration the relevant facts involved in the case and the fact



that petitioner has already filed Appeal before the District Appellate Authority, Sheikhpura bearing Appeal No. 09 of 2019 which is still pending, accordingly, I feel it expedient to dispose the present writ application with a direction to the District Appellate Authority, Sheikhpura to dispose the Appeal of the petitioner in accordance with law within a period of four months from the date of receipt / production of a copy of this order.

8. With the aforesaid direction and observation, the present application is disposed.

(Anil Kumar Sinha, J)

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