

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15095 of 2019

-
1. Uma Shankar Prasad Singh Son of Sri Abhyanandan Prasad Singh, R/S- Village- Barhad, P.S. Hathauri, District- Muzaffarpur.
 2. Ahsa Kumari, Daughter of Sh. Laxmi Narayan Singh, W/o Vijay Prasad Singh, R/o- Chitrakut Nagar Road No. 6, Bibiganj, P.S. Sadar, District- Muzaffarpur.
 3. Rakesh Kumar, Son of Jagdish Singh, R/o Lakshimpur Bakhri, P.O. Fatehpur Fulwariya, Via- Dumri, P.S. Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Education Department, Govt. of Bihar, Patna.
2. Director Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Vaishali.
4. The District Education Officer, Vaishali.
5. The District Programme Officer (Establishment), Vaishali.
6. The Block Development Officer Vaishali, District- Vaishali.
7. The Block Education Officer Vaishali District- Vaishali.
8. The Bihar School Examination Board through its Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Respondent/s : Smt.Binita Singh (Sc28)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 22-08-2024 1. Learned counsel for the petitioners submits that orders passed by the District Appellate Authority, Vaishali and State Appellate Authority are not being implemented by the concerned respondents, as such, direction may be issued to the respondent -authority to comply with the orders of the District Appellate Authority, Vaishali / State Appellate Authority.
2. Under Rule 16 of the Bihar State Teaching Institutions



Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020 [in short “2020 Rules”], the District Appellate Authority has been empowered to initiate action for non- compliance of its order

3. Rule 16 of the 2020 Rules is quoted hereinbelow:-

“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. Learned counsel for the State, on the other hand, submits that appointment of the petitioners has been made under the Bihar Panchayat Elementary Teacher Rule, 2006, which has changed subsequently in the years 2008 and 2012 and Rule 16 of 2020 Rules is not applicable in case of the petitioners.

5. After having heard learned counsel for the parties and taking into consideration the nature of prayer made in this writ



application and the fact that Rule 16 of 2020 Rules empowers the District Appellate Authority to initiate action for non-compliance of its order and a Co-ordinate Bench of this Court in CWJC No. 14055 of 2022 and CWJC No. 13637 of 2022 has held that the District Appellate Authority has power to get its orders implemented and can also take action against the concerned defaulting officers including imposition of fine, I deem it fit and proper to direct the petitioners to approach the District Appellate Authority, Vaishali for implementation of its order dated 12.06.2018.

6. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

