

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13791 of 2024

Rekha Kumari Daughter of Ram Babu Chaudhary, Wife of Shiv Shankar Choudhary, resident of Village-Banaul, P.S. - Nanpur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary, Primary Education Department, Government of Bihar, Patna.
3. District Magistrate, Sitamarhi.
4. Examination Controller, Sanskrit Siksha Board, Patna.
5. G.T.R. Incharge, Examination Department, Sanskrit Shiksha Board, Patna.
6. Shri Alok Kumar, Deputy Inspector General, Nigarani Investigation Bureau, Patna, Camp Sitamarhi.
7. District Programme Officer (Establishment) Sitamarhi.
8. Block Development Officer, Bokhara, Sitamarhi.
9. Block Education Officer, Bokhara, Block - Bokhara, District - Sitamarhi.
10. Panchayat Sachiv cum Member Secretary Panchayat Teacher Niyojan Unit, Gram Panchayat Raj Banaul, Block - Bokhara, District - Sitamarhi.
11. Head Master, Primary School Brahmsthan, Banaul, Block - Bokhara, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Girjanand Prasad
For the Respondent/s : AC to SC 25
For the Vigilance : Mr. Anil Singh
For Sanskrit Shiksha Borad: Mr. S.S. Sundaram, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-09-2024 1. The present writ application has been filed for the implementation of the order dated 13.02.2024 passed by the District Appellate Authority, Sitamarhi in Appeal No. 33 of 2023 whereby the appeal filed by the petitioner was allowed and



Memo No. 160 dated 14.01.2023 issued by District Programme Officer, Sitamarhi and Memo No. 38 dated 23.01.2023 issued by the Block Education Officer, Bokhara have been quashed and direction has been issued to restore the appointment of the petitioner on the post of Panchayat Teacher.

2. Learned counsel for the petitioner submits that under Rule 16 of the Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (hereinafter referred to as 'the 2020 Rules'), the District Teachers Appellate Authority is empowered to initiate action for non-compliance of its order.

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

“ 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. 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 the 2020 Rules empowers the District Appellate Authority to initiate action for non-compliance of its orders and a co-ordinate Bench of this Court in C.W.J.C. No. 14055 of 2022 and C.W.J.C. 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 petitioner to approach the District Appellate Authority, Sitamarhi, for implementation of its order dated 13.02.2024 passed in Appeal No. 33 of 2023.

5. With the aforesaid observation and direction, this writ application stands disposed.

(Anil Kumar Sinha, J)

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