

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14695 of 2024

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Dharmendra Kumar Son of Sri Bihari Yadav, resident of Village-Kolhuawar,
Dewangarh, P.O. Itpakwa, P.S. Kawakole, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. Additional Chief Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Mass Education, Government of Bihar, Patna.
4. The District Magistrate, Nawada.
5. The District Education Officer, Nawada.
6. The District Superintendent of Education, Nawada.
7. The Block Education Officer, Kawakole, District-Nawada.
8. Mukhiya, Gram Panchayat Raj, Kawakole, Block-Kawakole, District-Nawada.
9. Secretary, Employment Unit, Gram Panchayat Raj, Kawakole, Block-Kawakole, District-Nawada.
10. Arvind Kumar Chakrapani, son of Sri Parmeshwar Prasad, resident of Village-Krishnapuri Path, V.I.P. Colony, District-Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajan Ghoshrave, Advocate
	:	Mr.Mrityunjay Kumar, Advocate
For the Respondent/s	:	Mrs.Archana Meenakshi, GP 6

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-09-2024 1. The present writ application has been filed for a direction upon the respondent- authorities to appoint the petitioner on his previous post of Panchayat Teacher, Gram Panchayat-Kawakole, Dist-Nawada, in terms of the order dated 26.07.2024, passed in Appeal Case No. 06 of 2016, by the District Teacher Appellate Authority, Nawada.



2. 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 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. 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 petitioners to approach the District Appellate Authority, Nawada, for implementation of its order, dated 26.07.2024.

5. With the aforesaid observations and directions, this writ application stands disposed.

(Anil Kumar Sinha, J)

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