

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16084 of 2024

=====

Balindra Kunwar Son of Prabhunath Kunwar Resident of Village and P.O.-
Dohar, P.S.- Rasulpur, District- Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar, through Director Primary Education, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Saran.
3. The District Magistrate, Siwan.
4. The District Education Officer, Siwan.
5. The District Programme Officer (Establishment), Siwan.
6. The Block Education Officer, Raghunathpur, Siwan.
7. The Principal, New Primary School Odakpur, Panchayat Panjwar, Block- Raghunathpur, District- Siwan.
8. R.D.D.E., Saran, (Chapra)

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Mishra
For the Respondent/s : AC to GP-2

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-11-2024 1. Heard learned counsel for the petitioner and learned
AC to GP-2.
2. The learned counsel for the petitioner, at the outset,
seeks permission to add R.D.D.E, Saran as Respondent No. 8.
3. Permission is accorded.
4. The learned counsel appearing on behalf of the
petitioner submits that the instant writ application has been filed
seeking a direction upon the Respondent No. 5 (District Program
Officer (Establishment), Siwan) to release the salary of the



petitioner which has been withheld in complete violation of the order dated 13-1-2016 in CWJC No. 3778 of 2013 (Pancham Singh vs, the State of Bihar and others) and the order dated 12-11-2018 in Miscellaneous Case No. 46-18/2016 passed by the Divisional Commissioner, Patna.

5. The learned counsel submits that petitioner was employed as an untrained Panchayat teacher on 29-11-2010 in new primary school Odakpur in the second phase of the teacher employment conducted in the year 2008-10 under Gram Panchayat Raj, Panjwar, Block-Raghunathpur, District-Siwan. It is submitted that after completion of one year four months six days of service, the whole appointment of the Panchayat teacher was cancelled by the Mukhiya of Panjwar Panchayat by letter No. 16, dated 6-6-2012.

6. It is next submitted that letter No. 16, dated 6-6-2012 was challenged in CWJC No. 11204 of 2012 (Balinder Kunwar versus the State of Bihar and others) and the said writ application was disposed of by an order dated 5-7-2012 with a direction to the Block Education Officer, Raghunathpur for taking a decision. It is submitted that the B.E.O, Raghunathpur took a decision in view of the order passed in the aforesaid writ application vide his letter No. 806 dated 27-11-2012 in a mechanical manner which was challenged in CWJC No. 3778 of



2013 (Pancham Singh versus the state of Bihar & Ors.). The said writ application, i.e., CWJC No. 3778 of 2013 was disposed of by an order dated 13-1-2016 with a direction to the Divisional Commissioner, Chapra to take a decision.

7. It is next submitted that in compliance of the orders of this Court, the Divisional Commissioner, Chapra decided the issue by an order dated 12-4-2018, wherein the certificate of the petitioner was found genuine, further the R.D.D.E, Saran was given two months time for complying the order dated 12-11-2018 in Miscellaneous Case No. 46-18 of 2016 passed by the Divisional Commissioner (Annexure-P/3). The learned counsel submits that despite their order being in favor of the petitioner, the salary of the petitioner till date has not been paid, when petitioner is working, despite petitioner representing before the D.P.O. (Annexure-10).

8. The learned counsel appearing on behalf of the State fairly submits that from perusal of the order of the Commissioner, it would manifest that the certificate of the petitioner was found genuine. It is also submitted that the Commissioner has given certain directions to the R.D.D.E, Saran to take action in compliance of the order of this court in CWJC No. 11204 of 2012. The learned counsel for the State further submits that it is the R.D.D.E, Saran, who is the authority



competent in terms of the order of the Divisional Commissioner to take a decision, but then the petitioner has not represented before the R.D.D.E., Saran rather has represented before the District Program Officer (Establishment) Saran.

9. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Respondent No. 8 (R.D.D.E., Saran) to take a decision in compliance of the order dated 12-11-2018 (Annexure-3) passed by the Divisional Commissioner, Saran Division, Chapra, in Miscellaneous Case No. 46-18 of 2016 (Pancham Singh vs. the state of Bihar) within a period of three months from the date of receipt/production of a copy of this order.

10. It is made clear that the court has not expressed any opinion on the merits of the case.

(Satyavrat Verma, J)

SUMIT/-

U			
---	--	--	--

