

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16881 of 2024

=====

Kiran Kumari Daughter of Ramjatan Singh Resident of Village- Paharpura,
P.O.- Sahartelpa, P.S.- Karpi, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar, through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Programme Officer (Establishment), District- Arwal.
4. The Block Education Officer, Block- Paharpura, District- Arwal.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate
For the Respondent/s : AC to GP-3

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2024 Heard learned counsel for the petitioner, Mr. Dinu Kumar and the learned AC to GP-3.

2. The learned counsel for the petitioner submits that petitioner would be satisfied in the event if the writ application is disposed of with a direction to the District Education Appellate Authority, Arwal to dispose of Appeal Case No.-- of 2023 filed on 23.02.2023. It is submitted that petitioner was appointed as Panchayat Teacher by an order dated 20.12.2006.

3. It is next submitted that subsequently an FIR came to be instituted being Telpa P.S. Case No.193 of 2017 dated 03.12.2017 registered under Section 406, 420, 467 and 468 of the IPC and the services of the petitioner was terminated by an



order dated 11.12.2017 (Annexure-5), alleging therein that petitioner had secured his appointed as Panchayat Teacher based on a forged and a fabricated certificate. It is submitted that the order of termination was passed without giving any opportunity of hearing to the petitioner nor any explanation was sought from him. It is next submitted that had an opportunity of hearing been given to the petitioner perhaps the aforesaid FIR also would not have been instituted.

4. It is further submitted that the petitioner accordingly challenged his order of termination before the District Appellate Authority by filing Appeal Case No.01 of 2019 and the same was allowed by an order dated 18.12.2020 (Annexure-P/6) on the ground that amended certificate has been issued by the BSEB. It is next submitted that in terms of the order dated 18.12.2020 the petitioner was reinstated in service and he joined on the post of Panchayat Teacher on 12.01.2021. It is next submitted that though the service of the petitioner was reinstated but then he was not given salary for the period 11.12.2017 till 10.01.2021. It is next submitted that it is not the case of the authorities that petitioner was not willing to work, rather petitioner was forced by the authorities not to discharge his duties as his services came to be terminated on the ground



that he had secured appointed as Panchayat Teacher based on forged and fabricated certificate and an FIR also came to be instituted, but later the Bihar School Examination Board realizing its mistake rectified the mistake and issued amended certificate based on which the petitioner was reinstated back in service as recorded herein above. It is thus submitted that petitioner though was willing to work but was restrained by the authorities in not allowing the petitioner to work and even terminated his services without issuing any show-cause or giving any opportunity of hearing. It is next submitted that petitioner thus in the circumstance is entitled for his arrear salary for the period 11.12.2017 till 10.01.2021 as the principle of no work no pay will not apply. It is further submitted that petitioner accordingly moved before the District Education Authority by filing Appeal Case No.--- of 2023. It is submitted that till date the said case has not been given the number, but then the same was filed on 23.02.2023 as would manifest from the receiving given by the office of the District Education Appellate Authority, Arwal.

5. The learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a direction to the District Education Appellate Authority to



dispose of the appeal filed by the petitioner on 23.02.2023 within a time frame.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the District Education Appellate Authority to dispose of the appeal case filed by the petitioner in the year 2023 on 23.02.2023 (Annexure-10) within a period of three months from the date of receipt/production of a copy of this order.

(Satyavrat Verma, J)

Prakash Narayan

U			
---	--	--	--

