

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18128 of 2022

=====

Rajendra Prasad Son of Late Sita Mahto, resident of Village and P.O. -
Dharhara, P.S. - Silao, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Education Officer, Nalanda at Biharsharif.
5. The District Programme Officer, (Establishment) Nalanda at Biharsharif.
6. The District Provident Fund Officer Nalanda.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 09-12-2024

Heard learned counsels for the parties.

2. This writ application has been filed for for quashing the order passed in Chairperson dated O.A.No.T-584/2022 (A) 07.11.2022 by the the State Appellate Authority by which the petitioner's appeal has been rejected and further for commanding the respondents to grant and pay retirement benefits to the petitioner along with dues of salary for the period from 01.10.2018 to 30.06.2022 (the date of retirement) and also for grant of all other consequential reliefs/benefits for which the



petitioner is found entitled to .

3. Bereft of the unnecessary details, the facts of the case are that after having completed graduation, petitioners got admission in B.Ed. Course in Session 1985-86 in Sogra College of Education, Biharsharif and passed B.Ed. Examination was held in the year 1987 and result for the same was published in March, 1990 and Provisional Certificate was also issued to the petitioner by the University . Thereafter, Petitioner was appointed as Assistant Teacher vide letter dated 02.01.1992 upon recommendation of school service Board and vide letter dated 25.01.1993, approval was granted to this appointment. Subsequently, petitioner was transferred from Koshi Division to Patna Division and accordingly posted at Anugrah Narayan High School Narauli, Patna where he joined on 23.03.1997. Further he was transferred from Anugrah High School Narauli to the present school namely Bari Pahari +2 High School, Biharsharif.

4. Learned counsel for the petitioner further submits that after 26 years of satisfactory service, all of a sudden, salary of the petitioner has been withheld w.e.f. 01.10.2018 on the ground that the B.Ed. Degrees of the petitioner from the Sogra College, Biharsharif is unrecognized and salary has been



stopped and also Prapatra – ‘Ka’ vide Memo No. 4299 dated 03.11.2018 was issued levelling charge of B. Ed. Degree from unrecognized institution . The petitioner properly replied the said memo of petitioner's charge but no proceeding has been conducted upon the said Prapatra ‘Ka’ and in such situation , withholding of salary is illegal.

5 . Learned counsel for the petitioner further submits that the then Commissioner- cum- Secretary , Human Resources Development Department vide letter dated 11.03.2006 held that in such manner payment of salary cannot be withheld. It is next submitted that petitioner appeared in B. Ed. Examination upon permission by the University under transitory regulation fee and form were accepted by the University, examination was conducted by Magadh University and upon publication of result B. Ed. Degree was awarded by Magadh University and not by Sogra College . Hence , B. Ed. Degree of the petitioner cannot be said as unrecognized.

6. In view of the aforesaid circumstances, similarly situated teacher whose payment of salary was stopped despite working, approached the Hon’ble High Court by way of filing CWJC No. 7648 of 2020 and after hearing the parties Hon’ble High Court vide order dated 22.06.2022 has been pleased to



direct the authorities concerned to release salary to the working teachers and in compliance of the order dated 22.06.2022 passed by the Hon'ble High Court, the Additional Chief Secretary , Education Department vide letter n. 746 dated 11.07.2022 directed all the DEO and DPOs (Establishment) to release and pay salary to the teachers for working period and accordingly paid to such teachers. The petitioner has also continuously worked till the date of his retirement i. e., 30.06.2022 but for the period from 01.10.2018 to 30.06.2022 salary has not been paid to the petitioner as such petitioners case is covered from Annexure – 10 and 11 to the writ petition . In such circumstance , the petitioner the petitioner filed CWJC No. 6192 of 2021 alongwith others which has been disposed of vide prefer appeal before the District Appellate Authority / State Appellate Authority . It is next submitted that after getting certified copy of the order dated 30.03.2022 i. e., (Annexure – 12), the petitioner along with others filed an appeal dated 28.04.2022 before the District Appellate Authority Nalanda at Biharsharif but the said district appellate Authority is not functional hence the petitioner has been constrained to prefer OA No. T-584 / 2022 before the State Appellate Authority .

7. Learned counsel appearing on behalf of the



petitioner submits that the appeal preferred by the petitioner before the State Appellate Authority was with regard to payment of salary. It is settled law that Tribunal is a creature of Statute. Its jurisdiction and powers are confined to appeals made to it and, therefore, confined to the four corners of the complaint. It has neither the power of superintendence nor any inherent power to do justice. Its power is limited to resolve the *inter se* dispute between the parties. It is a Court of limited jurisdiction in that sense. Thus, when a person appeals with a grievance, then the jurisdiction of the Tribunal is limited to the four corners of the grievance and the Tribunal has no inherent power of superintendence or any “*suo moto*” power to invoke any jurisdictional matter related to the *lis* inter-party. In other words, to clarify the position, it can very well be observed that while entertaining a complaint or a grievance, the jurisdiction of a Tribunal/Authority is limited to what is complained against. It cannot undertake a roving enquiry into all aspects of the matter connected or unconnected with the complaint, it has no power of superintendence. The Tribunal/Authority on its own, could not enlarge its own jurisdiction to become supervisory authority over the issue in question and pass judgment thereon.

8 . Learned counsel appearing on behalf of the



petitioner further submits that similarly situated teachers whose salary was also stopped approached this Hon'ble Court by filing C.W.J.C. No. 7648 of 2020 and after hearing the parties, this Hon'ble Court vide order dated 22.06.2022 directed the respondents to release and pay salary to such teachers and in compliance of the said order, the Additional Chief Secretary vide Letter No. 746 dated 11.07.2022 directed to all the D.Os./D.P.Os. (Establishment) to release and pay salary to such teachers and the same was paid but not to these petitioner.

9. While assailing the impugned order issued by the State Appellate Authority, learned counsel appearing on behalf of the petitioner submits that the State Appellate Authority has only taken note of Paragraph Nos. 9 and 10 of the judgment rendered by this Hon'ble Court in L.P.A. No. 280 of 2021 and knowingly overlooked and ignored Paragraph No. 21 onwards of the order/judgment dated 06.04.2022, wherein in identicalpetitioner' situation, the learned Division Bench has allowed ensuring all the retiral dues to the concerned teacher, apart from payment of salary for the period which was denied to him. He further submits that the State Appellate Authority has exceeded his jurisdiction by passing such kind of order where the appointment of the petitioner was not even in question and



moreover, the impugned order is in the teeth of the judgment passed by the learned Division Bench.

10 . In this connection, learned counsel appearing on behalf of the petitioner relied upon judgment of this Hon'ble Court dated 09.01.2024 passed in C.W.J.C. No. 17970 of 2022 wherein similarly aggrieved teachers approached this Hon'ble Court and this Hon'ble Court was pleased to allow the writ application quashing the order of the State Appellate Authority and directing the respondents to make payment of salary along with all consequential benefits, including post retiral benefits, within a stipulated period.

11 . Learned counsel appearing on behalf of the State is not in a position to dispute the contentions made on behalf of the petitioner.

12. Having heard the rival submissions advanced on behalf of the parties, facts and circumstances of the case as well as the law laid down by the Division Bench of this Hon'ble Court in L.P.A. No. 280 of 2021 and the fact that the issue raised in the instant writ application is no more *res integra* as the same has already been decided by a Co-ordinate Bench of this Hon'ble Court vide judgment dated 09.01.2024 passed in C.W.J.C. No. 17970 of 2022, this Court does not find any



requirement to keep the instant writ application pending.

13 . Accordingly, the impugned order dated 07.11.2022 passed by the State Appellate Authority in O.A. No. 584 of 2022, as contained in Annexure-1 to the instant writ application, is bad in law and is hereby quashed and set aside.

14 . Since the petitioner has already retired from the services during pendency of this case, the respondents are directed to ensure payment of all retiral benefits to the petitioner along with their due salary and consequential benefits, admissible to them in accordance with law, within a period of three months from the date of receipt/production of a copy of this order.

15 . With the aforesaid observations and directions, this writ application stands allowed.

(Prabhat Kumar Singh, J)

Koushik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2024
Transmission Date	NA

