

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14784 of 2021

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1. Rubi Kumari Daughter of Babua Narayan Paswan, Resident of Village - Parmanandpur, P.S.- Muffasil, District - Khagaria.
 2. Madhu Kishore Paswan, Son of Babua Narayan Paswan, Resident of Village - Parmanandpur, P.S.- Muffasil, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department Govt. of Bihar.
2. The District Magistrate, Khagaria.
3. The District Education Officer, Khagaria.
4. The District Programme Officer (Est), Khagaria.
5. The Block Development Officer cum Member Secretary, Employment Unit Mansi District - Khagaria.
6. The Block Education Officer, Mansi, District - Khagaria.
7. The Head Master Middle School, Harijan Khutia Mansi, District - Khagaria.
8. The Head Master Primary School, Chaidha Mansi Block, District - Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate
For the Respondent/s : Mrs. Binita Singh (SC-28)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-03-2025 Heard Mr. Anil Kumar Choudhary, learned counsel

 appearing on behalf of the petitioners and Mrs. Binita Singh,

 learned SC-28 for the respondent/s.

 2. The petitioners in paragraph no. 1 of the present

 writ petition have sought *inter alia* following relief(s), which is

 reproduced hereinafter:

*"(i) For issuance of a writ/writs
mandamus in nature directing the Respondent
District Programm Officer (Est) to make payment*



with the effect from 29-1-2020 till date which have not been paid to the petitioner.

(ii) To pass such other/s writs/s, order/s as your Lordships may deem fit and proper."

3. The petitioner no. 1, namely, Ruby Kumari, had joined as Panchayat Teacher at Middle School (Harijan), Khutia, Khagaria on 28.12.2010 and petitioner no. 2, namely, Madhu Kishore Paswan, had joined as Panchayat Teacher at Primary School Chaidha on 14.08.2010 and they were getting their salary from Education Department, Government of Bihar. Thereafter, vide Letter nos. 197 and 198 dated 31.10.2018 issued by the Block Education Officer, Mansi, Khagaria in compliance of direction of the District Programme Officer (Establishment), Khagaria contained in Letter No. 1787 dated 22.10.2018, the Head Teacher of the school was directed to stop the petitioner from working in school and to make signature on attendance register and their salary was also stopped after lodging of a criminal case bearing Mansi P.S. Case No. 233 of 2016 registered for offences punishable under Sections 467, 468, 420 and 120B of the Indian Penal Code on the basis that the degree obtained by the petitioners have been found from the institution, which has no recognition by the Delhi Government or by any Government Organization. Thereafter, the petitioners had preferred appeal bearing Appeal Nos. 02 of 2019 and 03 of



2019 before the District Appellate Authority, which was allowed vide order dated 31.12.2019 with a direction to the respondent/s concerned to reinstate the petitioners and to make payment of their salary after their joining on being reinstate. Subsequently, the petitioners had given their joining and filed their individual representations on 17.07.2020 and 09.12.2020 before the District Education Officer (Establishment), Khagaria for payment of their due salary. Thereafter, the District Programme Officer (Establishment), Khagaria had preferred Review Case No. 06 of 2020 before the District Appellate Authority against the order dated 31.12.2019, which was disposed of with a specific direction to make payment of due salary of the petitioners and the same has not been paid till date. Aggrieved by the same, the petitioners have filed the present writ petition.

4. A query was made from the state counsel whether the order has been complied or the State has preferred appeal before the State Appellate Authority against the order dated 31.12.2019 of the District Appellate Authority passed in Appeal Case No. 02 of 2019 with Appeal Case No. 03 of 2019 in view of the fact that no such information is contained in the counter affidavit filed on behalf of the District Education Officer, Khagaria (respondent no. 3). Learned state counsel is not in a



position to give such information. Though, a statement has been made in paragraph no. 17 of the counter affidavit that the degree obtained by the petitioners have been found from the institution, which has no recognition by the Delhi Government or by any Government Organization.

5. Even considering the information contained in paragraph no. 17 of the counter affidavit, in absence of information, as to whether, the State, against the order of the District Appellate Authority, has preferred appeal before the State Appellate Authority, which is competent to look into the facts of the present case, I direct the District Programme Officer (Establishment), Khagaria, to execute the order dated 31.12.2019 passed in Appeal Case No. 02 of 2019 with Appeal Case No. 03 of 2019 by the District Appellate Authority, Khagaria, by which, the petitioners have been found entitled to be reinstated forthwith within a period of thirty days.

6. Let a copy of this order be communicated to the Additional Chief Secretary, Education Department, Government of Bihar for taking appropriate action against the authority concerned, especially, the District Programme Officer (Establishment) Khagaria, who was one of the party respondents in the appeal and had appeared before the District Appellate



Authority, but, he has not taken any steps complying the order dated 31.12.2019 in absence of any pendency of Appeal against the said order and in view of the provision of rule 14 of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015, statutory period of limitation has expired.

7. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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