

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14297 of 2019

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1. Sanjay Kumar Pandey Son of Kaushal Kishor Pandey R/o Vill and Post- Chakalhdad, P.S.- Vaishali, District- Vaishali.
 2. Ram Swroop Singh Son of Sri Ritlal Singh R/o Haujpura, P.S.- Vaishali, District- Vaishali.
 3. Laxmi Pandey Son of Late Manohar Pandey R/o Village- Fatehpur, P.S.- Vaishali, District- Muzaffarpur.
 4. Vivha Kumari Wife of Devendra Prasad Thak, D/o Radha Mohan Sharma R/o Vill and Post- Kehsopur Babhangaon, P.S.- Paru, District- Muzaffarpur.
 5. Bindu Kumari W/o Shakti Nath Singh, D/o Ramchandra Thakur R/o Bahilwara Govind, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The Director Primary Education, Human Resource Development Department Government of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The District Education Officer, Vaishali.
4. The District Program Officer (Establishment), Vaishali.
5. The Block Development Officer Vaishali, District Vaishali.
6. The Block Education Officer Vaishali District Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Firoz Ahmad, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG-15

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-03-2025 Heard learned counsel for the petitioners and learned
AC to AAG-15 for the State.

2. Learned counsel appearing on behalf of the petitioners submits that the case was taken up on 18.07.2019 and the State was directed to file counter affidavit but then the counter affidavit till date has not been filed. It is further submitted that the instant writ application has been filed seeking a direction upon the respondent authorities to comply the order dated 28.06.2018



passed in Appeal Case No. VL60 of 2017 by the District Appellate Authority, Vaishali and affirmed by the State Appellate Authority in Appeal No. 595 of 2018 by an order dated 22.11.2018 whereby the respondents have been directed to allow the petitioners to resume their duty and to make payment of their withheld salary since 18.07.2016 in view of the judgment of this Court passed in L.P.A. No. 1309 of 2017 whereby this Hon'ble Court has held the training certificate of Arjakiya Primary Teachers Training College, Balughat, Muzaffarpur for the Session 1985-86 to 1986-88 issued by the Bihar School Examination Board, Patna valid for the purposes of appointment on the post of teachers in Bihar.

3. Learned counsel for the petitioners further submits that petitioners were appointed as Niyojit Trained Teacher in their respective schools in the year 2010 in terms of the rules framed under Bihar Panchayat Primary Teacher (Employment and Service Conditions) Rules, 2006 as amended in 2008 on the strength of their training certificate which was issued from Arajkiya Primary Teacher Training College, Balughat, Muzaffarpur for the Session 1985-86 and 1986-88 by the Bihar School Examination Board, Patna. It is next submitted that petitioners after their appointment were posted as teacher in different schools as detailed at para 6 to 9 of the writ application. It is also submitted that all of a sudden, the petitioners were restrained from marking their attendance in



the school by an order contained in memo no. 566 dated 18.07.2016 issued by the respondent no. 5 and, as such, their salary was stopped. The petitioners being aggrieved by the aforesaid order dated 18.07.2016 filed Appeal Case No. VL60 of 2017 before the District Appellate Authority, Vaishali. The District Appellate Authority, Vaishali vide its order dated 28.06.2018 (Annexure-2) set aside the office order dated 18.07.2016.

4. The State of Bihar preferred Appeal No. 595 of 2018 before the State Appellate Authority which was dismissed by an order dated 22.11.2018 (Annexure-3). It is submitted that to the knowledge of the petitioners, the order of the State Appellate Authority till date has not been challenged by the State of Bihar before any superior forum, as such, in absence of challenge the order has attained finality but then the petitioners have been denied the benefit of the order passed by the District Appellate Authority and the State Appellate Authority. It is, thus, submitted that petitioners in such circumstances had moved this Court by filing the instant writ application which was taken up on 18.07.2019 and the State was directed to file a counter affidavit but the same till date has not been filed.

5. It is further submitted that the authorities cannot take this plea that they were not aware of the order passed by the State Appellate Authority as the State Appellate Authority had passed



the order in appeal filed by the State of Bihar, as such, the authorities of the State of Bihar had no option but to comply the order of the State Appellate Authority or to challenge the same before a superior forum.

6. Learned counsel appearing on behalf of the State is not a position to rebut the submissions made by the learned counsel appearing on behalf of the petitioners nor is in a position to furnish any explanation as to why the counter affidavit in compliance of the order dated 18.07.2019 till date has not been filed but then the learned counsel appearing on behalf of the State submits that the petitioners instead of moving before this Court ought to have moved before the State Appellate Authority by filing a contempt application against the authorities who deliberately violated the orders of the State Appellate Authority on which learned counsel appearing on behalf of the petitioners submits that no doubt the petitioners could have approached the State Appellate Authority but then the writ application is pending since 2019 and by that time the rules giving power for initiating contempt were not framed, the rules were framed in the year, 2020 only.

7. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioners to file a detailed representation before the District Education Officer, Vaishali along with a copy of the order passed by the District



Appellate Authority and the State Appellate Authority on or before 03.04.2025, if any representation is filed by the petitioners on or before 03.04.2025 in that event the District Education Officer, Vaishali shall consider and pass an appropriate order in accordance with law within a period of one month thereafter.

(Satyavrat Verma, J)

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