

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2914 of 2024

In
Civil Writ Jurisdiction Case No.6748 of 2024

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1. Sunil kumar Son of Late Badri Singh, posted in Prakhhand Teacher in Upgraded Middle School Parto Karhari, Block- Akbarpur, District- Nawadah.
 2. Saroj Kumari, Wife of Ram Pravesh Prasad, posted in Upgraded Middle School, Kusumhar, Block- Akbarpur, District- Nawadah.
 3. Sunila Kumari, Daughter of Ram Janam Singh Chauhan, posted in Upgraded Middle School, Balampur, Block- Akbarpur, District- Nawadh.
 4. Pushplata Kumari, daughter of Dwarika Prasad, posted in Upgraded Middle School, Parto Karhari, Block- Akbarpur, District- Nawadah.
 5. Anuj Prasad, Son of Rajendra Prasad, posted in Upgraded Middle School, Baksanda, Block- Akbarpur, District- Nawadah.
 6. Prem Shankar, Son of Late Ram Charitra Singh, posted in Upgraded Middle School, Diri, Block- Akbarpur, District- Nawadah.
 7. Ajay Kumar, Son of Bhola Singh, posted in Upgraded Middle School, Kusumhar, Block- Akabarpur, District- Nawadah.
 8. Arun Kumar Verma, Son of Shyam Sundar Prasad Singh, Posted in Upgraded Middle School, Ningari, Block- Akabarpur, District- Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education Government of Bihar, Patna namely Mr. S. Sidharth.
2. The Director, Primary Education, Government of Bihar, Patna namely Mr. Mithilesh Mishra.
3. The District Education Officer, Nawadah, Mr. Dinesh Kumar Chaudhary.
4. The District Programme Officer (Est), Nawadah, namely Md. Tanveer Alam.
5. The Block Education Officer, Akbarpur, District- Nawadah, namely Mr. Sushil Kumar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr. Uday Shankar Sharan Singh, GP 19

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 23-06-2025 1. Heard learned Counsel for the petitioners and learned
Government Pleader No. 19 for the State.



2. The petitioners have filed the present contempt application raising violation of the order, dated 02.05.2024, passed in CWJC No. 6748 of 2024, by which this Court directed the petitioners to file representation along with a copy of the order, dated 22.06.2022, passed in CWJC No. 7648 of 2020 and a copy of Memo No. 734, dated 08.07.2022 before the respondent no. 4-the District Programme Officer (Establishment), Nawada, within three weeks and the respondent no. 4 was directed to consider the case of the petitioners after affording opportunity of personal hearing or through their Counsel and pass a reasoned order in accordance with law.
3. Learned Counsel for the petitioners submits that the petitioners were appointed as Block Teachers in the year 2015 and since then they have been working continuously but their salary were not being paid. He next submits that some of the unselected candidates approached this Court in a writ petition, being CWJC No. 8816 of 2013 challenging the appointment process and this Court, vide order, dated 14.07.2015, directed them to file an appeal before the District Teachers Employment Appellate Authority, Nawada. Instead of filing appeal before the



District Teachers Employment Appellate Authority, Nawada, they preferred L.P.A. against the said order and the L.P.A. No. 833 of 2019 was also dismissed. The aggrieved parties moved before the Supreme Court in S.L.A. (C) No. 4368 of 2024, which has been dismissed by the Supreme Court by order, dated 03.03.2025.

4. The District Programme Officer, though has disposed the representation of the petitioners by order, dated 01.10.2024, but the order has been passed without considering the order, dated 22.06.2022, passed in CWJC No. 7648 of 2020 and Memo No. 734, dated 08.07.2022. The representation has been dismissed further on the ground that the special leave application is pending before the Supreme Court.
5. On the other hand, learned Counsel for the opposite parties submits that the order on representation has been passed by the District Programme Officer on 01.10.2024, which has been annexed along with the show cause. He placed an order, dated 19.06.2019, passed in CWJC No. 17775 of 2015 and submits that while disposing the writ application, a co-ordinate Bench of this Court has directed that interim order, dated 07.02.2018, passed in



the present case to the effect that no payment of salary shall be made to the Block Teachers, who have obtained appointment pursuant to the selection process in question, shall continue till the final disposal of the appeal by the District Teachers Employment Appellate Authority, Nawadah. The Appeal No. 16 of 2015 is still pending.

6. In reply, learned Counsel for the petitioners submits that Appeal No. 16 of 2015 is not pending and as such, the interim order, dated 07.02.2018, passed in CWJC No. 17775 of 2015 cannot be made a ground for non-payment of salary of the petitioners.
7. I have heard learned Counsel for the parties concerned and have gone through the materials available on record, including different orders, passed by this Court, arising out of which the present contempt has been filed.
8. The Writ Court directed the District Programme Officer (Establishment), Nawada, to consider the representation of the petitioners and pass a reasoned order. The reasoned order has been passed by the District Programme Officer (Establishment), Nawada. The validity of the order and further direction for payment of salary cannot be passed in a contempt proceeding.



9. Accordingly, this Court is of the view that no proceeding for initiation of contempt can be issued against the opposite parties.
10. In the result, this contempt application is disposed.
11. However, the petitioners shall be at liberty to challenge the reasoned order, dated 01.10.2024, passed by the District Programme Officer (Establishment), Nawada, in writ application in accordance with law.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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