

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22821 of 2019

1. Kumari Amrita Sinha, Wife of Shri Ajay Kumar Resident of Village and P.O.- Salarpur, P.S.- Daniyawan, District- Patna, Pin Code- 801305.
2. Shivani Kumari Wife of Shri Rajeev Ranjan Kumar Resident of Village- Kismiriyan, P.O.- Mohiuddinpur, P.S.- Fatuah, District- Fatuah, Pin Code- 803201.
3. Akhilanand Pandey Son of Shri Kant Pandey Resident of Village- Mohiuddinpur, P.O.- Peshaur, P.S.- Bihar Sharif, District- Nalanda, Pin Code- 803201.
4. Ajay Kumar Son of Shri Ram Nagina Singh Resident of Village and P.O.- Telmar, P.S.- Harnaut, District- Nalanda, Pin Code- 803202.
5. Veermani Kumar Son of Shri Indrajeet Kumar Resident of Village and P.O.- Salarpur, P.S.- Daniyawan, District- Patna, Pin Code- 801305.
6. Dhananjay Kumar Chaurasia Son of Shri Lakshman Prasad Resident of Village and P.O.- Berthu, P.S.- Karaiparsurai, District- Nalanda, Pin Code- 801304.
7. Ashwani Kumar Son of Shri Alakhnarayan Singh Resident of Mohalla- Old Kankarbagh, Gate No.14, P.O.- Lohianagar, P.S.- Patrakar Nagar, District- Patna, Pin Code- 800020.
8. Vinay Kumar Son of Shri Ramadhin Sao Resident of Village and P.O. and P.S.- Nagarnausa, District- Nalanda, Pin Code- 801305.
9. Shashi Bhushan Kumar Son of Shri Rajdeo Prasad Resident of Village- Sathopur, P.O.- Maghra, P.S.- Deepnagar, District- Nalanda Pin Code- 803101.
10. Madhu Rani Wife of Shri Jitesh Kumar Resident of Mohalla- Magla Nagar, Ramchandrapur, Bihar Sharif, P.O.- Bihar Sharif, P.S.- Laheri, District- Nalanda, Pin Code- 803101.
11. Punam Kumari Wife of Shri Manoj Kumar Chaurasia Resident of Village- Pokharia, P.O. and P.S.- Begusarai, District- Begusarai, Pin Code- 851101.
12. Punam Kumari Wife of Shri Rajeev Kumar Ranjan Resident of Village and P.O.- Bhubhi, P.S.- Nagarnausa, District- Nalanda, Pin Code- 801302.
13. Bhargwi Kumari Daughter of Shri Ramanand Prasad Resident of Village- Bandoh, P.O.- Bhaganbigha, P.S.- Rahui, District- Nalanda, Pin Code- 803118.
14. Needu Kumari Daughter of Shri Jitesh Kumar Resident of Village- Mirzapur, P.O.- Bangpur, P.S.- Parbalpur, District- Nalanda, Pin Code- 803114.
15. Mamta Kumari Daughter of Shri Prakash Sharma Resident of Village- Sakari, P.O.- Laranpur, P.S.- Eslampur, District- Nalanda, Pin Code- 803116.
16. Dhananjay Kumar Chakrawarti Son of Shri Madhusudan Ram Resident of Village- Marwa, P.O.- Eraibenipur, P.S.- Daniyawan, District- Patna, Pin Code- 801305.
17. Seema Kumari Daughter of Shri Jitendra Prasad Resident of Village and



P.O.- Kohma, P.S.- Daniyawan, District- Patna, Pin Code- 803202.

18. Rajni Kant Kumar Son of Shri Raja Ram Prasad Resident of Village- Deonagar, Hilsa, P.O. and P.S.- Hilsa, District- Nalanda, Pin Code- 801304.
19. Deepak Kumar Son of Shri Awadhesh Kumar Paswan Resident of Village and P.O.- Nerut, P.S.- Sare, District- Nalanda, Pin Code- 803107.
20. Shobha Kumari Wife of Shri Mukesh Kumar Resident of Mohalla- Kathal Tola, P.O. and P.S.- Sohsarai, District- Nalanda, Pin Code- 803118.
21. Fatma Zohra, Daughter of Shri Sheikh Muhammad Abul Vaish Resident of Mohalla Bank of India, Indrapuri Colony, P.S.- Shastri Nagar, District- Patna, Pin Code- 800014.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. Director, Primary Education, Education Department, Bihar, Patna.
3. District Magistrate, Nalanda.
4. District Education Officer, Nalanda.
5. Block Development Officer, Karaiparsurai, District- Nalanda.
6. Block Education Officer, Karaiparsurai, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava- Sr. Advocate Mr. Ujjawal Bhushan- Advocate Mr. Raushan- Advocate Mr. Ram Prakash Kumar
For the State	:	Mr. Jitendra Kr. Roy 1 (SC-13) Mr. B. B. Prasad- AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 8 13-02-2025 1. Heard learned senior counsel for the petitioners and learned Standing Counsel-13 for the State.
2. The District Programme Officer (Establishment), Nalanda in compliance of the order dated 11.02.2025 is present in the Court and submits that he had consulted the Collector, Nalanda and the Collector, Nalanda has asked him to make a



categoric submission that the authorities will abide by the orders of this Court.

3. The learned counsel appearing on behalf of the petitioners submits that the instant writ application has been filed by the petitioners for a direction upon the authorities to allow the petitioners to join as Teachers in pursuance of the order dated 09.08.2019 passed by the learned Presiding Officer, District Appellate Authority, Nalanda in Case No.03 of 2019.

4. The learned counsel for the petitioners next submits that the order of the District Appellate Authority, Nalanda is of the Year 2019 and till date, the same has not been implemented and the petitioners are running from pillar to post. It is further submitted that a counter-affidavit and a supplementary counter-affidavit has been filed on behalf of the State. In the counter-affidavit, a stand has been taken by the State that the order of the District Appellate Authority, Nalanda is in breach of the letter issued by the Additional Chief Secretary, Department of Education, Government of Bihar bearing Letter No.1713 dated 28.12.2018 as in the said letter, it has been clearly recorded that any employment after 31.10.2017 was invalid and the petitioners were appointed after 31.10.2017. The learned counsel for the petitioners next submits that the State cannot



take such a plea when the District Appellate Authority, Nalanda has passed an order in favour of the petitioners. It is further submitted that either the authorities will give effect to the order passed by the District Appellate Authority or the authorities are free to challenge the same before the superior forum, but then, the authorities cannot sit over the order of the District Appellate Authority on the ground that the same was passed in breach of an executive order passed by the Additional Chief Secretary, Department of Education, Bihar.

5. The learned counsel for the State, at this stage, submits that a supplementary counter-affidavit has also been filed on behalf of the respondent no.4, though it was inadvertently recorded as counter-affidavit wherein at Para-6, it is specifically pleaded that the respondents has already proceeded to file appeal against the order dated 09.08.2019, on which the learned counsel appearing on behalf of the petitioners submits that the supplementary counter-affidavit was filed in the Year 2024 and to the knowledge of the petitioners, till date, no appeal has been filed against the order passed by the District Appellate Authority, Nalanda.

6. On query of the Court from the District Programme Officer (Establishment), Nalanda that as to whether any appeal



has been filed against the order dated 19.08.2019 passed by the District Appellate Authority, Nalanda, the District Programme Officer (Establishment), Nalanda submits that till date, no appeal has been filed, but then, prays for sometime for filing an appeal against the order dated 09.08.2019 passed by the District Appellate Authority in Case No.03 of 2019.

7. The District Programme Officer (Establishment), Nalanda also, at this stage, submits that he has recently joined in July, 2024 and thus, was not abreast with the facts of the present case as the same was never brought to his notice.

8. After hearing the learned counsel for the parties and the District Programme Officer, (Establishment), Nalanda, it manifests that till date, no appeal has been preferred by the State against the order dated 09.08.2019 in Case No.03 of 2019 passed by the District Appellate Authority, Nalanda, as such, in absence of challenge, the order of the District Appellate Authority has attained finality, but then, the same does not preclude the authorities from challenging the same before a superior forum in accordance with law, but then, at the same time, the authorities also cannot take advantage of their own inaction that they do not prefer an appeal against the order passed by the District Appellate Authority, Nalanda and also do



not allow the petitioners to join the school in question.

9. In view of the submissions made by the learned counsel for the parties including the District Programme Officer (Establishment), Nalanda, the writ application is disposed of with a direction to the District Programme Officer (Establishment), Nalanda to implement the order dated 09.08.2019 passed by the learned Presiding Officer, District Appellate Authority, Nalanda in Case No.03 of 2019 within a period of two weeks from today.

10. It is further made clear that the authorities are not precluded from availing their remedy in accordance with law against the order passed by the District Appellate Authority, Nalanda in Case No.03 of 2019.

(Satyavrat Verma, J)

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