

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18296 of 2023

1. Pawan Kumar Mehta S/o Shri Bharat Lal Mehta, (Working as Clerk at High Schol, Kharowa, Jhanjharpur, Madhubani), resident of Village-Bajitpur, P.S. Manigachhi, District-Darbhanga.
2. Shiv Shankar Prasad Singh, S/o Late Ramdev Mandal, (Working as Clerk at Sri Kameshwar High Schol, Pandaul, Madhubani), resident of Village-Sagarpur, P.S. Sakari, District-Madhubani.
3. Vidyanand Prasad, S/o Late Parmeshwar Yadav, (Working as Clerk at J.C.K.L. High Schol, Khajedih, Madhubani), resident of Village-Bishnupur, P.S. Ladauna, District-Madhubani.
4. Lalit Kumar Thakur, S/o Late Muneshwar Thakur, (Working as Clerk at Anup High Schol, Bhatsimari, Rajngar, Madhubani), resident of Village-Ghanghaur, P.s. Babubarhi, District-Madhubani.
5. Pushpa Kumari Daughter of Birju Jha, (who was working as clerk at Project Girl High Schol, Mahinathpur, Madhubani), resident of Mahinathpur, P.S. Basopatti, District Madhubani.
6. Chandra Kishor Prasad, S/o Jagdish Ram, (working as Clerk at S.M. High School, Basaith, Madhubani), resident of Village Suratganj, Ward No. 17, P.S. Madhubani Town, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
5. The Regional Deuty Director of Education, Darbhanga Division, Darbhanga.
6. The District Screening Committee Madhubani through its Chairman cum District Education Officer, Madhubani.
7. District Education Officer, Madhubani.
8. District Programme Officer, Establishment in the Office of the District Education Officer, Madhubani.
9. The District Programme Officer, Secondary Education, Madhubani cum Member, Enquiry Committee, District Education Officer, Madhubani.
10. The District Programme Officer, Secondary Education, Samastipur cum Member, Enquiry Committee, District Education Officer, Madhubani.
11. Smt. Sunaina Devi, Member Screening Committee for M.A.C.P. cum Headmistress, Shiv Ganga Baliak Uchcha Vidyalaya, Madhubani.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Nityanand Jha, Advocate
Mr. Suresh Mishra, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, Sr. Advocate
Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

5 03-04-2025 Heard learned counsel for the parties.

2. The petitioners, who are working as Clerk in different schools in the district of Madhubani, have challenged the Memo No. 4063/Madhubani dated 24.12.2021 (Annexure-P/5), issued under the signature of the District Programme Officer, Establishment, Madhubani/respondent no.8 as well as Memo No. 4455, dated 08.12.2021, whereby the benefit of ACP/MACP granted to the petitioners by office order contained in Memo No. 77 (L), Madhubani dated 07.01.2019 has been cancelled. The petitioners have also put to challenge the letter no. 5181 dated 04.11.2022, issued under the signature of District Programme Officer, Establishment, Madhubani/respondent no.8, whereby the petitioners have been directed to deposit the benefit of ACP/MACP paid to them.

3. It appears that prayer Nos. 1(III), (IV) and (V) made by the petitioners in the writ petition are the incidence/offshoots of the prayer nos. 1(I) and (II) of the writ petition.



4. It appears from the record that the petitioners had earlier put to challenge the aforesaid orders by filing a writ petition registered as CWJC No. 1863 of 2022, which was disposed off by a co-ordinate Bench of this Court vide order dated 23.12.2022, whereby, by placing a reliance on a decision rendered by this Court in **CWJC No. 5489 of 2020 (Suresh Ram Vs. the State of Bihar & Ors.)**, the matter was relegated to the District Appellate Authority/State Appellate Authority by giving liberty to the petitioner to approach the concerned District Appellate Authority/State Appellate Authority as the case may be. In the event of petitioners preferring an appeal, the concerned Appellate Authority was directed to decide the case at the earliest, preferably within a period of three months.

5. Pursuant thereto, the petitioners had preferred Appeal No. 25/2022 before the District Appellate Authority, Madhubani challenging the orders which have been impugned in the present writ petition. The appeal preferred by the petitioners was disposed off by the District Appellate Authority, Madhubani vide order dated 14.10.2023, whereby direction was given to the District Programme Officer, Madhubani to reconsider the ACP/MACP earlier granted to the petitioners as well as the payment of salary to the petitioner within six



months.

6. The present writ petition appears to have been filed thereafter.

7. There is no dispute at the bar that the petitioners are governed by the Bihar State School Teachers and Employees Disputes Redressal Rules, 2020 (hereinafter referred to as “the Rules, 2020”). On perusal of the Rules, 2020, it appears that the District Appellate Authority as well as the State Appellate Authority have been invested with the power and jurisdiction to adjudicate the disputes pertaining to procedure of recruitment as well as the service conditions pertaining to the teaching and non-teaching staff of the schools in the State of Bihar. The District Appellate Authority, Madhubani appears to have rendered the decision on the appeal preferred by the petitioners under the Rules, 2020.

8. Rule 16 of the Rules, 2020 further provides that in case of non-compliance of the order/direction passed by the District/State Appellate Authority as the case may be, the concerned appellate authority has the power to impose punishment as prescribed therein.

9. In view of the above, I find that under Rule 16 of the Rules, 2020, the petitioners have a remedy to get the order



dated 14.10.2023, passed in Appeal No. 25/2022 by the District Appellate Authority, Madhubani enforced.

10. In that view of the matter, this writ petition shall stand disposed off with liberty granted to the petitioners to approach the concerned District Appellate Authority under Rule 16 of the Rules, 2020 for enforcement of the order dated 14.10.2023, passed in Appeal No. 25/2022 by the District Appellate Authority, Madhubani.

(Nani Tagia, J)

Amrendra/-

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