

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7148 of 2026

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1. Akhileshwar Prasad Son of Late Jagdish Prasad, Resident of Panchwati Nagar Shramjivi Colony, Rajendra Nagar, P.S. - Bahadurpur, District- Patna.
 2. Rakesh Kumar Son of Ramnath Rai Resident of Ward No. 9, Rachiyahi Purana Tola, Ulao, P.S. - Matihani, District- Begusarai, at present working as Block Development Officer, Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, New Secretariat, Patna.
2. Director Primary Education, Education Department, New Secretariat, Patna.
3. Presiding Officer, District Appellate Authority, Education Department, District- Samastipur.
4. District Treasury Officer, Samastipur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pratap Sharma, Advocate

For the Respondent/s : Mr. Ajay Behari Sinha, GA-8

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 12-05-2026

Heard learned counsel for the parties.

2. The present writ petition has been filed for the following reliefs:-

“For issuance of an appropriate writ/writs, order/orders, direction/directions for quashing the order dated 07.12.2024 and its consequential order dated 18.10.2025 passed in Case No. 05/2024 passed by respondent No. 3 whereby and whereunder respondent No. 3 has imposed the cost of Rs. 50,000/- upon the petitioner and issued further direction for initiation of departmental proceeding as well as stoppage of any payments



against the petitioners in the light of order dated 31.05.2024 which is not in existence and for other necessary relief/reliefs on the basis of the facts and circumstances of the case.”

3. The present writ petition is being heard and disposed of at the stage of Admission itself, with consent of the parties, since the facts are not disputed.

4. It appears from the records that vide order dated 31.05.2024 passed in Case No. 10 of 2021 (Dileep Kumar Das vs. District Education Officer, Samastipur) by the Presiding Officer, District Appellate Authority, Samastipur, a direction was issued to engage the petitioner of that case Dileep Kumar Das within four weeks and to take work from him. When the order was not being complied with, Case No. 05 of 2024 (Contempt) was filed whereunder vide order dated 07.12.2024 passed by the Secretary District Appellate Authority, Samastipur, a fine of Rs. 50,000/- was imposed upon the petitioners and a recommendation was made to initiate departmental proceeding against the petitioners herein. An appeal was filed by the Block Development Officer, Rosera, Samastipuar and the Block Education Officer, Rosera, Samastipur (petitioners herein) against the order passed by the District Appellate Authority, Samastipur dated 31.05.2024. The



State Appellate Authority vide its order dated 15.01.2025 passed in Appeal Case no. 60 of 2024 stayed the order passed by the District Appellate Authority, Samastipur and fixed the matter for further consideration on 17.02.2025.

5. It further appears that vide order dated 18.10.2025, passed by the District Appellate Authority, Samastipur again a direction was issued to comply the order dated 31.05.2024 or to deposit the cost of Rs. 50,000/- and till deposit of cost of Rs. 50,000/-, a direction was issued not to make any payment to the Block Development Officer, Rosera, Samastipur and the Block Education Officer, Rosera, Samastipur (petitioners herein). The Appeal Case No. 60 of 2024 was finally heard by the State Appellate Authority on 31.10.2025 and after a detailed hearing and consideration, the Chairman, State Appellate Authority by the order dated 31.10.2025, set aside the order dated 31.05.2024 passed in Case No. 10 of 2021 by the District Appellate Authority, Samastipur, for violation whereof, Case No. 05 of 2024 (Contempt) was filed.

6. It further appears that vide order dated 10.01.2026 passed in Case No. 05 of 2024 (Contempt) while taking note of the stay order operating and the final order dated 31.10.2025 passed by the State Appellate Authority, it was recorded by the



District Appellate Authority that in the final order dated 31.10.2025, no order has been passed with regard to the imposition of fine and recommendation for initiation of departmental proceeding against the petitioners. Therefore, the District Treasury Officer, Samastipur was directed to file compliance report of the order dated 07.12.2024 passed in Case No. 05 of 2024 (Contempt).

7. The learned counsel for the petitioner submits that when the original order dated 31.05.2024 passed in Case No. No. 10 of 2021, has been set aside by the State Appellate Authority vide order dated 31.10.2025 passed in Appeal Case No. 60 of 2024, then there is no question of any contempt being made out and therefore, the orders passed by the District Appellate Authority on 07.12.2024, 18.10.2025 and 10.01.2026 are wholly without jurisdiction. He submits that on account of the orders passed by the District Appellate Authority, the petitioners have been deprived of their salary and other benefits.

8. Per contra, the learned counsel appearing on behalf of the State-respondent submits that he may be granted an opportunity to file counter affidavit, although he fairly admits that no contempt is made out against the petitioners.

9. Having heard the learned counsel for the parties



and on perusal of the materials available on record, it appears that vide order dated 31.05.2024 passed in Case No. 10 of 2021, a direction was issued to the competent authority/Block Employment Unit, Rosera, Samastipur to appoint the petitioner of that case i.e. Dileep Kumar Das within four weeks of the receipt of the order. When the order was not complied within the aforesaid period, then a contempt was filed by the said Dileep Kumar Das before the District Appellate Authority, Samastipur which was numbered as Case No. 05/2024 (Contempt) and vide order dated 07.12.2024, a recommendation was made to initiate departmental proceeding against the post holders of the Block Employment Unit, Rosera i.e. the Block Development Officer, Rosera, Samastipur and the Block Education Officer, Rosera, Samastipur (petitioners herein) and a fine of Rs. 50,000/- was imposed upon them. An appeal was preferred by the Block Development Officer, Roesra, Samastipur and the Block Education Officer, Rosera, Samastipur, before the State Appellate Authority against the order dated 31.05.2024 passed in Case No. 10 of 2021. The appeal was numbered as Appeal Case No. 60 of 2024 and vide order dated 15.01.2025, the State Appellate Authority allowed the prayer for stay and the order dated 31.05.2024 was accordingly stayed. It appears that vide



subsequent orders dated 18.10.2025 passed in Case No. 05 of 2024 (Contempt), while taking note of the fact that stay is operating, the District Appellate Authority directed for compliance of the order and granted last opportunity to the petitioners herein.

10. In the meantime, the State Appellate Authority vide order dated 31.10.2025 passed in Appeal Case No. 60 of 2024 proceeded to allow the appeal preferred by the Block Development Officer, Rosera, Samastipur and the Block Education Officer, Rosera, Samastipur (petitioners herein) and appointment of the respondent in the said appeal i.e. Dileep Kumar Das, was cancelled, from the date of appointment itself. It was directed that the said Dileep Kumar Das be removed from service within a fortnight by the concerned Block Development Officer and it was further directed that no payment will be admissible by virtue of the order of cancellation of his appointment and it was further directed that if some payment have been made, it will be the duty of the concerned District Education Officer to realize the amount according to the process of law. When the order dated 31.05.2024 passed in Case No. 10 of 2021 itself, was set aside, therefore, there is no question of any contempt being made out for non-compliance of the order



dated 31.10.2024, for which the Contempt Petition no. 05 of 2024 is being proceeded with by the District Appellate Authority, Samastipur.

11. Accordingly, from the consideration made above, the order dated 07.12.2024 passed in Case No. 05 of 2024 by the Secretary, District Appellate Authority, Samastipur, order dated 18.10.2025 passed in Case No. 05 of 2024 (Contempt) by the Presiding Officer, District Appellate Authority, Samastipur and order dated 10.01.2026 passed in Case No. 05 of 2024 (Contempt) by the Secretary, District Appellate Authority, Samastipur, are hereby set aside.

12. The petitioners would be entitled for all the benefits for which they would have been entitled, prior to passing of the order dated 07.12.2024 passed in Case No. Case No. 05 of 2024 (Contempt).

13. With the aforementioned observations and directions, the writ petition is allowed.

(Ritesh Kumar, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2026
Transmission Date	

