

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9837 of 2026

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Nawal Prasad Son of Gauri Shankar Mistri, Resident of village- Bhatta, P.S- Kashichak, District- Nawada (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The District Education Officer, Nawada.
4. The District Programme Officer (Establishment), Nawada.
5. The Block Education Officer, Kashichak, District-Nawada.
6. The Headmaster, Primary School, Pali, Kashichak, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lalan Kumar
For the Respondent/s : Mr.Government Pleader 24

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 20-07-2026 Heard learned counsel for the petitioner and learned
counsel for the Respondents.

2. The instant writ application has been filed for the
following relief(s):-

*(A) In the nature of
"certiorari" for setting aside the order
dated 26.02.2026 passed in Appeal
Case No. 4/2024 passed by the
Presiding Officer, District Appellate
Authority, Nawada whereby and
where under instead of deciding about
the payment of salary to the petitioner
the matter has been remanded back to
the District Education Officer,
Nawada and District Programme*



Officer (Establishment), Nawada for adjudicating the matter contrary to the direction passed by this Hon'ble Court in CWJC No. 2856/2024 vide order dated 17.10.2024 whereby the District Appellate Authority, Nawada was directed to dispose of the matter after hearing the parties within a period of six months from the date of preferring the appeal.

(B) In the nature of "mandamus" directing and commanding the respondents authorities to pay the petitioner the entire due salary with effect from 01.10.2019 to till date along with interest as same has been illegally denied to the petitioner and allow the petitioner to continue working as Panchayat Teacher.

(C) Also for necessary relief order/direction for which the petitioner is entitled in the eye of law as well as on facts of the case.

3. Learned counsel for the petitioner, by referring to the order passed by a coordinate Bench of this Court *vide* Order dated 17.10.2024 in the case of *Nawal Prasad vs. The State of Bihar and ors. (C.W.J.C. No. 2856 of 2024)*, submits that for the afore-said relief(s) the petitiouer was directed to approach before the District Appellate Authority, Nawada, and the petitioner is said to have approached the District Appellate Authority, Nawada, as it is evident from Annexure-P/9 which,



upon the application filed by the petitioner, is said to have been registered bearing Appeal No. 04/2024.

4. Learned counsel for the petitioner, by referring to the order as contained in Memo No. 42 dated 26.02.2026, submits that instead of adjudicating the claim of this petitioner for grant of salary for the period from 01.10.2019 till the date of passing of this order, the Presiding Officer, District Appellate Authority, Nawada has remanded this matter to the District Education Officer and the District Programme Officer, Nawada for making an enquiry and passing appropriate orders.

5. It is very surprising that these District Appellate Authorities have been created under the statute for making fact finding enquiry and passing appropriate order, but the duties assigned to the Presiding Officer to adjudicate the claim, it seems that she had abdicated the duties for which the jurisdiction is said to have been vested in her by creating authority in every District, and accordingly, this Court deprecates such conduct of Presiding Officer in remanding the matter instead of adjudicating the same. And in view of their being apparent abdication in duties, this Court finds it appropriate to set aside the same, and accordingly, the order dated 26.02.2026 passed by the District Appellate Authority is



set aside and the Presiding Officer is directed to adjudicate the claim within a period of three months by ensuring presence of all such respondents concerned and after making due deliberation on the claims raised by this petitioner, appropriate decision shall be taken, and under no circumstances, the proceeding would continue beyond three months from the date of the representation without valid reason, which this petitioner is directed to file with all supportive materials, by reviving that proceeding dated 26.02.2026. Accordingly, the District Appellate Authority is directed to restore the Appeal No. 04/2024 by issuing appropriate notices to all the concerned, adjudicating all such relief as admissible, and for any pending / incidental grievances for which the cause of action is available to this petitioner as on date shall also be considered.

6. Accordingly, the instant writ petition stands disposed of.

(Ajit Kumar, J)

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