
(2009) 05 PAT CK 0028
In the Patna High Court
Case No : CWJC No. 6353 of 2009

Asha Kumari and Another

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 20-05-2009

Acts Referred:

Citation : (2009) 4 PLJR 560

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Judgement

Navin Sinha, J.—Heard learned counsel for the petitioners and the State. The petitioners, who claim to possess the qualification of Madhya Visharad equivalent to Intermediate from the Hindi Sahitya Sammelan, Allahabad came to be appointed as Shiksha Mitra in the year 2005. In pursuance of renewal of their contract for appointment, they claim to have acquired the status of Panchayat Shikshak on 1.7.2006 under Rule 20 of the Rules framed in 2006 regulating the appointment and service conditions of Panchayat Teacher.

2. They are aggrieved by certain orders passed on 27.9.2008 that the aforesaid qualification was not acceptable for appointment as Panchayat Teacher.

3. Reliance is placed on an order of this Court in CWJC No. 10748 of 2008 disposed on 7.4.2009 that such a policy decision by the State Government not to accept as valid the aforesaid qualification has been taken only on 20.11.2008 holding that the decision can be only prospective.

4. The submission is that notwithstanding the same, the order of this Court, on the issue of law, the respondents insist on the petitioners to bring individual order from this Court.

5. Learned counsel for the State submits that once the respondents have issued the order, perhaps it requires interference by this Court to set aside the order, if it was not in accordance with law. The respondents do not retain the jurisdiction

to reopen their own order.

6. The orders of termination are administrative orders. The limitation of review with regard to quasi judicial bodies and/or statutory authorities, unless the power be specifically conferred, does not apply to administrative orders. Once this Court pronounced on an issue of law, irrespective of all considerations, the respondents are bound to comply the same. This is, of course, subject to the right of the respondents to assail an order by which they are aggrieved. So long as the order is not assailed the respondents are bound to act in accordance with the law laid down by the Court.

7. The Supreme Court in more than one judgment has clearly laid down that once the issue of law is decided the State is obliged to accord similar treatment to all who are similarly situated. This calls for review by the State authorities of their own action in view of the subsequent pronouncement of law, no sooner a person files application before them. The State authorities cannot be permitted to generate and multiply litigation by their own conduct in refusing to acknowledge the orders of the Court. This observation of the Supreme Court assumes great relevance today. This Court is faced with virtual deluge of writ applications of all kind of issues including purely administrative issues. This Court, therefore, has no option but to ask the respondents to work themselves instead of their adopting the attitude that once they have passed an order, even if the Court had held the order to be wrong, they were no more liable to work and the Court is required to work on their behalf.

8. Learned counsel for the State has fairly acknowledged that if the petitioners are covered, they are entitled to be accorded similar treatment.

9. The writ application is disposed with direction to the respondents to examine the claim of the petitioner in light of the directions in CWJC No. 10748 of 2008. If the respondents propose to hold that he is not covered by the same, they shall be required to furnish the reasons to him for the same. Thereafter the respondents shall be obliged to pass a reasoned and speaking order displaying application of mind, setting out grounds of difference of opinion, so that judicial review, if occasion arises, shall be facilitated.

10. Let this exercise be completed by the respondents within a maximum period of six weeks from the date of receipt and/or production of a copy of this order.

11. The writ application stands disposed. Let a copy of this order be sent to the Chief Secretary of the State. This Court expects that the Chief Secretary shall then take necessary appropriate steps so that the Rule of Law prevails and individual vagaries of the Officers generating and multiplying the litigations by asking persons for individual order from this Court shall come to an end.