

Case No.2181/4/36/2025

ORDER

Date: 12th August 2026

1. This is a complaint by Mrs. Ranjukumari, a trained teacher who was working since 14.12.2006 at Primary School, SonbarsaTola as per appointment order issued by the Nagar Parishad, Pupri.
2. It is grievance of complainant Mrs. Ranjukumari, a trained teacher that from the year 2015 and more precisely from July 2015 her salary is not paid by the Authorities of the State. Her appointment was as per Bihar Nagar Parishad Teacher (Appointment and Conditions of Service) Rules, 2006. While working at the said School, she was deputed to work at Nagar Panchayat, Janakpur Road, Pupri from 25.06.2015 to 25.07.2015 and she came to be relieved while letter No. 310 dated 29.07.2015. Thereafter vide Order No. 425 dated 28.07.2015, the complainant was ordered to work in the office of the District Education Officer, Sitamadhi for doing the work relating to appointment of Teachers. Accordingly, she worked there at upto 01.08.2016. Then as per Order No. 2060 dated 01.08.2016, the District Education Officer, Sitamadhi directed her to work at her original School. However, the Head Master did not allow her to work in the said School. Hence, the District Education Officer again issued Order No. 2063 dated 02.08.2016, directing her to work at the office of the District Education Officer, Sitamadhi. The complainant therefore, worked in that office. By order dated 21.12.2016, the complainant was asked by the District Education Officer to work at the original School. The complainant started working but from 01.06.2017, the Head Mistress stopped recording her attendance. The complainant then reported the matter to

amj

the District Education Officer and District Program Officer (Establishment), Sitamadhi in presence of the Head Mistress. Thereafter vide Order No. 1869 dated 25.05.2017, the complainant was directed to work at the office of the Block Education Officer and the Employment Unit was directed to absorb the complainant in some other School. That is how according to her the complainant had worked and discharged the duties allotted to her from time to time. However, the Head Mistress managed to get Order No. 1869 dated 25.05.2017 issued through the District Education Officer stopping salary of the complainant.

3. The complainant alleged that then she filed an appeal to the District Appellate Authority, thereafter a Writ Petition before the Hon'ble High Court so also the appeal before the State Appellate Authority. Ultimately, the District Appellate Authority had directed to continue services of the complainant from 29.07.2015 and to release her salary with increments and continuity in service. However, the said order is not implemented by the Authorities. The complainant therefore, prayed that her salary be released with arrears without any deductions and unpaid salary should be paid to her.
4. Notices of the present complaint were issued to the District Education Officer, Sitamadhi as well as the Nagar Parishad, Janakpur Road, Pupri. These authorities have filed their reports.
5. Heard the learned Advocate appearing for the complainant as well as Shri. Priyadarshi Sourav, District Program Officer (Establishment), Sitamadhi and Shri. Keshav Goyal, the Executive Officer Nagar Parishad Janakpur Road, Pupri.
6. The learned Advocate appearing for the complainant has stated that the Respondents ought to have complied the order of the District

om

Appellate Authority when the State Appellate Authority have not issued any order, staying the order of the District Appellate Authority. According to him, the complainant had worked throughout the disputed period at different establishments as per the orders of the authorities.

7. As against this relying on their reports, the District Program Officer, Sitamadhi argued that the appeal before the State Appellate Authority is pending and the decision of the said Authority shall be honored. According to him, complainant Mrs. Ranjukumari had not worked from 2015 to 2020 and had not attended the School. She was absent. Her salary is being paid from December 2020.
8. The Executive Officer, Nagar Parishad, Janakpuri Road Pupri argued that the Nagar Parishad had not received One Time Standing Advisory from the Head Master through Block Education Officer for the disputed period and as such the payment could not be effected.
9. The reports by both the Respondents are primarily on the aspect that the appeal filed by them is still pending and therefore, the order of the First Appellate Authority could not be implemented. The complainant had not rendered services for the disputed period. The District Education Officer has not sent deputation orders of the complainant to the office of the Nagar Parishad, Janakpur Road, Pupri. The Executive Officer, of the Nagar Parishadin his report has contended that opinion of the Director, Primary Education Department is sought and the same is still awaited. Similar is the stand of the District Education Officer, Sitamadhi. According to him, guidance is sought from the Director of Primary Education which is still awaited.
10. I have carefully perused the pleadings of the parties so also the arguments advanced by both the parties.



11. Undisputedly, the appointment of the complainant is as per Rules holding the field and she had immediately joined the work at the place where she was posted, on 14.12.2006. She continued to work at the said school at SonbarsaTola upto 2015. However, pleadings of the parties shows that the trouble started from July 2015. The material on record do indicates that thereafter the complainant was informed under office orders of various authorities to work at different places such as the office of the District Education Officer, the District Program Officer, the Block Education Officer, Pupri and she was asked to do different works. The record do shows that the complainant was asked to run from the pillar to the post for doing the work allotted to her from time to time. The record indicates that this happened because of some different opinion about the complainant held by the Head Mistress of the School. It is worthwhile to mention that feeling aggrieved about the act of the Respondents regarding withholding her salary, payment of less salary to her and for continuity in service the complainant was constrained to approach various Courts of law including the Hon'ble High Court. Ultimately, as per directions of the Hon'ble High Court, Patna, the District Appellate Authority, Sitamadhi decided the Complaint No. 9/2019 filed by the complainant vide order dated 13.10.2023, after hearing all the parties. Thus, upon hearing both the parties, the First Appellate Authority has already given a finding of fact that the complainant continued to work under various authorities of the State for the disputed period i.e. from July 2015 to November 2020 and thereafter also. It was also found by the said authority that salary of the complainant was withheld without any reason, less salary was paid to her and continuity in service was also not granted to her. With such observations, the First Appellate Authority on 13.10.2023 was pleased

M

to allow the complaint of the present complainant. It is apposite to mention here that though this order is challenged by the Authorities by filing an Appeal bearing No. 179/2024 before the State Appellate Authority, the impugned order of the District Authority has not been stayed by the State Authority. The order dated 13.10.2023 is a sort of money decree which is not stayed by the Appellate Authority for all these three years. Therefore, as a model employer, it is incumbent on the part of the Authorities of the State to comply the same, at least by getting the Indemnity Bond executed by the complainant. The authorities of the State cannot withheld the benefits granted to the complainant by the First Appellate Authority under the assumption that as they have filed an appeal, they need not comply the original order.

12. It is worthwhile to mention here that the District Appellate Authority by due application of mind has gone into merits of the contentions raised by both the parties elaborately. The said Authority has in detail, considered each and every aspect of the matter and ultimately with a well reasoned order allowed the complaint of the present complainant. It is worthwhile to quote relevant portion of the order dated 13.10.2023 of the District Appellate Authority which reads thus:

"बाद में मध्य विद्यालय सोनबरसा टोल जनकपुर रोड पुपरी के प्रधानाध्यापक से अपीलार्थिन के मतान्तर एवं विवाद होने पर अपने पत्रांक 19 दिनांक 16.04.2017 के द्वारा प्रतिवेदित किया कि अपीलार्थिनी विद्यालय में गुटबाजी करती है एवं अन्य अभियोग लगायी। जिस आलोक में तत्कालीन जिला शिक्षा पदाधिकारी सीतामढ़ी ने बिना युक्ति युक्त अवसर दिये तथा बिना कारण पृच्छा स्पष्टीकरण पुछे अपीलार्थिनी को मूल विद्यालय में योगदान करने संबंधित निर्गत ज्ञापांक 4271 दिनांक 21.12.2016 को अपने ज्ञापांक 1869 दिनांक 25.05.2017 से सद्द कर अपीलार्थिनी के विरुद्ध नियमानुसार कार्रवाई के लिए नियोजन इकाई तथा प्रधानाध्यापिका एवं अन्य को निर्देशित किया गया है। जिसके आलोक में अपीलार्थिनी को दिनांक 01.06.2017 से विद्यालय में उपस्थिति पंजी में उपस्थिति बनाने से वंचित कर दिया गया है।

विभागीय मार्गदर्शिका तथा नियमानुसार बिना कारण पृच्छा तथा स्पष्टीकरण के मात्र गुटबाजी करने के आरोप पर प्रधानाध्यापिका द्वारा दिये गये प्रतिवेदन के आधार पर विधि सम्मत रूप से अपने समकक्षीय पूर्व पदाधिकारी जो समान पद धारित हो का कोई भी आदेश नियमानुसार रद्द नहीं किया जा सकता है। जबकि उक्त आदेश से किसी का नियोजन सेवा प्रभावित होता है। युक्ति युक्त अवसर दिये बिना, बिना कारण पृच्छा के अपीलार्थिनी के प्रतिनियोजन से विरमित करते हुए योगदान



आवेदन ज्ञापांक 4271 दिनांक 21.12.2016 के पत्र को ज्ञापांक 1889 दिनांक 25.05.2017 के द्वारा रद्द किया जाना प्राकृतिक न्याय सिद्धान्त के विपरित है। अतः जिला शिक्षा पदाधिकारी सीतामढ़ी का ज्ञापांक 1869 दिनांक 25.05.2017 को रद्द(अपास्त)किया जाता है।

उपरोक्त विवेचनाओं तथा अभिलेख पर उपलब्ध साक्ष्यों एवं पक्षकारों द्वारा दाखिल प्रतिवेदन के परिशीलन के पश्चात् यह पाता हूँ कि अपीलार्थिनी विधिक रूप से दिनांक 29.07.2015 को जिला शिक्षा पदाधिकारी सीतामढ़ी के पत्रांक 425 दिनांक 28.07.2015 तथा संदर्भित पत्र ज्ञापांक 2062 एवं 2063 दिनांक 02.08.2016 के द्वारा जिला शिक्षा पदाधिकारी सीतामढ़ी के कार्यालय में प्रतिनियोजित किया गया है और जिला शिक्षा पदाधिकारी सीतामढ़ी ने अपने ज्ञापांक 4271 दिनांक 21.12.2026 के द्वारा प्रतिनियोजन से मुक्त कर अपीलार्थिनी को मूल विद्यालय में योगदान को आदेश निर्गत किया है। अपीलार्थिन ने मुक्त कर अपीलार्थिनी को मूल विद्यालय में योगदान का आदेश निर्गत किया है। अपीलार्थिनी ने उक्त आदेश ज्ञापांक के आलोक में दिनांक 22.12.2016 को मध्य विद्यालय सोनबरसा टोल जनकपुर रोड पुपरी में अपना योगदान दिया तथा योगदान स्वीकृत किया गया है। वाद में ज्ञापांक 1869 दिनांक 25.05.2017 के द्वारा अपीलार्थिनी की सेवा में व्यवधान उत्पन्न किया गया है जो अनुचित तथा विभागीय नियमानुकूल नहीं है। ज्ञापांक 1869 दिनांक 25.05.2017 उपर में रद्द किया जा चुका है।

अतः कार्यापालक पदाधिकारी सह सचिव नगर प्रारंभिक शिक्षक नियोजन इकाई जनकपुर रोड पुपरी, प्रखंड-पुपरी/जिला कार्यक्रम पदाधिकारी(स्थापना) सीतामढ़ी को आदेश दिया जाता है कि अपीलार्थिनी की सेवा दिनांक 29.07.2015 से निर्विवाद रूप से जारी रखने का आदेश दिया जाता है। अपीलार्थिनी के बकाये वेतनादि एवं अन्य देय सभी सुविधाये इन्क्रीमेन्ट (वार्षिक वेतन वृद्धि) के साथ भुगतान करने का आदेश दिया जाता है। अपीलार्थिनी अपने सेवा मे अपने योगदान तिथि 15.12.2006 से सेवा निरंतरता के साथ बनी रहेगी।"

13. When the first Court of law allows the complaint and that order is not stayed by the Superior Court, then during pendency of the appeal, such order has to be complied. However, this is not done by the Respondents and there cannot be any legal or valid justification for the same. Withholding the salary of the complainant, not granting her continuity and increments as such amounts to violation of Fundamental Right guaranteed by Article 21 of the Constitution of India. Therefore, the complainant has established that the Respondents have violated her human rights. Hence, by resorting to provisions of Section 18 of the Protection of Human Rights Act, 1993, this Commission is required to pass the following recommendations:

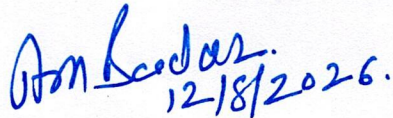
ORDER

- a) The Respondents District Education Officer, Sitamadhi and the Executive Officer Nagar Parishad, Janakpur Road, Pupri, Dist.Sitamadhi should comply the order the dated 13.10.2023



passed by the First Appellate Authority in Complaint No. 9/2019 filed by the complainant within one month from receipt of this order, by releasing withheld salary of the complainant with increments for the period from July 2015 to November 2020.

- b) The Respondents are also directed to release withheld increments if any, to the complainant and to grant her continuity in service within 30 days from the receipt of this order. Similarly they should continue to pay regular salary to the complainant with all increments due to her.
- c) The Respondents are free to take from the complainant an indemnity bond to the effect that she shall refund all the benefits acquired by her in terms of the order dated 13.10.2023 in case the said order of the First Appellate Authority is quashed and set aside by the State appellate authority.
- d) If the State Appellate Authority chooses to dismiss the appeal then the Respondents shall fix the liability of non-payment of salary and other benefits to the complainant on erring officer and shall conduct his / her departmental inquiry for awarding appropriate punishment, if any.
- e) With these recommendations, the complaint stands allowed.
- f) Ordered accordingly.


(Justice A. M. Badar)
Chairperson
Bihar Human Rights Commission