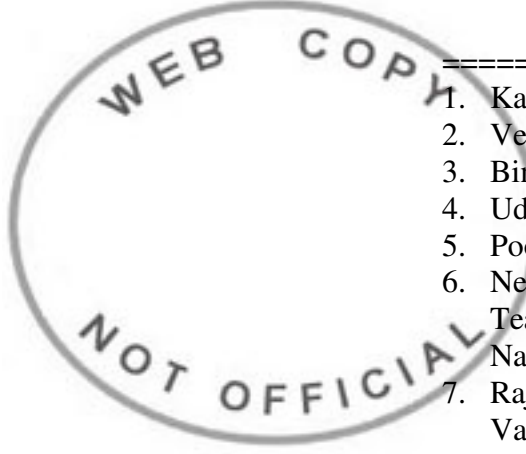


IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3822 of 2013

In

Civil Writ Jurisdiction Case No. 2484 of 2012



- =====
1. Kamlesh Sharma @ Kamlesh Kumar, son of late Ram Janam Sharma
 2. Veena Kumari, D/O of late Brajendra Prasad Singh
 3. Bindu Kumari, D/O of late Sidheshwar Singh
 4. Uday Kumar Singh, son of Anant Prasad Singh
 5. Poonam Kumari, D/O of Abhay Shankar Singh
 6. Neha Kumari, D/O Ram Ratan Thakur, all are posted as Assistant Teacher in Vankatesh Sanskrit Primary-cum-High School Vankateshwar Nagar Raja Bazar, Police Station Jehanabad Town, District Jehanabad.
 7. Rajesh Kumar, son of late Prem Kumar, presently posted as clerk in Vankatesh Sanskrit Primary-cum-High School Vankateshwar Nagar, Raja Bazar, Police Station Jehanabad, District Jehanabad.
 8. Ajay Kumar, son of late Shiv Kishore Singh, at present peon in Vankatesh Sanskrit Primary-cum-High School Vankateshwar Nagar, Raja Bazar, Police Station Jehanabad, District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Amarjit Sinha, the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. Sri Raj Mukul, the Special Director (Secondary Education), Bihar, Patna.
4. Dr. Ramdeo Prasad, the Chairman, Bihar Sanskrit Education Board Boring Canal Road, Patna.
5. Sri Thakur Manoranjan Prasad, the Secretary Bihar Sanskrit Education Board Boring Canal Road, Patna, through its Secretary,
6. Md. Geyasuddin the District Education Officer, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate.

For the Respondent/s : Mr. Jaishankar Barnwal, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

4 24-08-2015

Heard learned counsel for the petitioners and learned counsel for the State.

This application has been filed for initiation of contempt proceeding for violation of the order dated 8.2.2012 passed in C.W.J.C. No.2484 of 2012. This Court

has passed the following order:

“...Since, it is the headmaster, who prepares salary bills and places them before the District Education Officer, who after verification, passes the bill for payment, it is appropriate for the District Education Officer to make enquiry as to whether the headmaster is practicing pick and choose in preparation of bills or not. Petitioner will be at liberty to point out to the District Education Officer that they are being discriminated and left out by the headmaster in the matter of preparation of bills whereas he is preparing bill only in respect of his favourites and getting it signed by him. The District Education Officer, will make necessary enquiry in this respect including entitlement in respect of the employees of the School and shall issue necessary orders to the headmaster for taking corrective action for release of salary of all teaching and non-teaching employees of the School on uniform basis.”

In pursuance of the direction given by this Court the District Education Officer conducted the enquiry and passed order dated 18.10.2013 thereby rejected the application of the petitioners. Thereafter the District Education Officer vide letter no.3459 dated 1.12.2014 found that employees of the School are entitled to the salary and later on vide letter no.57 dated 8.1.2015 another District Education Officer has requested for allotment of the fund for making payment to the teachers of the School. One Renu Kumari approached this Court vide L.P.A. No. 1045 of 2014 and the Court has

taken note of the fact and has given direction for payment of salary.

In view of the conflicting situation, let the Principal Secretary, Education Department, Bihar, Patna would examine the case of the petitioners and other teachers. On enquiry if it is found that the School in question is a legally constituted Scholl and they are validly appointed teachers, so much so the headmaster of the School is preparing salary bill selectively the Principal Secretary will pass necessary order. The whole process of the enquiry will be completed within a period of six months from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction this application is disposed of.

(Shivaji Pandey, J)

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