

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13362 of 2011

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Premier Prem Kumar S/o Late Gajendra Das , Resident of Village-
Maksudpur Taj, Post-Neelkanthpur, District - Vaishali At Hajipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Education Secretary, Department Of Human Resources, New
Secretariat, Patna
3. The District Magistrate, Vaishali
4. The Block Development Officer, Mahua, P..S- Mahua, Distt.- Vaishali
5. The District Education Officer, Vaishali
6. The District Superintendent Of Education, Vaishali
7. The Block Education Extension Officer, Mahua, P.S.- Mahua, Distt.-
Vaishali
8. The Panchayat Secretary, Gram Panchayat Raj Mahua, Block-Mahua,
P.S.- Mahua, Distt.- Vaishali
9. The Mukhiya Gram Panchayat Raj Mahua, Block-Mahua, P..S- Mahua,
Distt.- Vaishali
10. The Principal Rajkiya Utkramit Madhya Vidyalaya Dagrudih, Mahua,
Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh
For the Respondent/s : AC to SC 30

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 28-03-2016 Heard Sri Raj Kumar Rajesh, learned counsel for the
petitioner and learned AC to SC – 30.

The petitioner, invoking writ jurisdiction of this court
under Article 226 of the Constitution of India, has made a limited
prayer to direct the respondents to pay his due salary from the
month of July 2008 till date.

It has been pleaded that petitioner was initially
appointed as Panchayat Siksha Mitra in the year 2003 itself and

subsequently he passed intermediate examination in the year 2006 and he is functioning as Panchayat Teacher in the primary school, Dagrudih, Mahua, Vaishali. However, since the month of July 2008 he has not been paid his salary. A plea has been taken that petitioner is still discharging his duty as such.

In this case a counter affidavit has been filed on behalf of the respondent no. 7 duly sworn by Block Education Officer, Mahua, Vaishali and in paragraph no. 10 of the counter affidavit a plea has been taken that the Block Education Officer has joined recently, he was not aware about the pendency of the instant case and thereafter he has sought report regarding absentee of the petitioner from the concerned Headmaster so that admissible dues of the petitioner may be paid to him. This affidavit was sworn by Block Education Officer, Mahua in the year 2012 itself. However, till date no further statement has been made regarding clearance of due salary of the petitioner. Learned counsel for the petitioner submits that neither payment has been made nor any order has been passed by the competent authority. Accordingly, in view of the facts and circumstances particularly the statement made in paragraph no. 10 of the counter affidavit, the writ petition is disposed of with observation that the respondents may take immediate decision in respect of claim of the petitioner. If the

claim of due salary is considered as genuine, payment must be made within a period two months from the date of receipt / production of a copy of this order. Even in case of refusal, the concerned respondent is required to pass a speaking order within the aforesaid time.

The writ petition stands disposed of.

(Rakesh Kumar, J)

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