

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3763 of 2013

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Md. Perwez Alam S/O Md. Samsul Haque Resident Of Village+ P.O-
Hasanganj, P.S- Dankhora, District- Katihar.

.... Petitioner

Versus

1. The State Of Bihar
2. The Director, Primary Education, Govt. Of Bihar, Patna
3. The District Education Officer, Katihar.
4. The District Program Officer, (Establishment), Katihar.
5. The Mukhiya, Gram Panchayat Raj Anasi Pachgachhi, Block Kadwa, District- Katihar
6. The Panchayat Secretary, Gram Panchayat Raj Anasi Pachgachhi, Block Kadwa, District- Katih.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
Mr. Varun Kumar

For the Respondent/s : Mr. Jawahar Pd. Karn, Sr. Adv.,AAG-4
Mr. Ashok Kumar Dubey, A.C to AAG-4.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The grievance has been raised by the petitioner that he has been appointed as Panchayat Teacher and he joined the said post on 30.12.2010 but has not been paid the salary. As the petitioner has participated in the selection of Panchayat Teacher and thereafter, the petitioner has been selected and later on, the payment has not been made on account of letter dated 11.01.2013 (Annexure-A of the counter affidavit) issued by the District Education Officer where it has been stated that the petitioner was

holding a certificate of Child Labour Special School which is not valid for the purpose of providing weightage for the appointment on the post of Panchayat teacher as per the letter no. 3950 dated 31.10.2012 and letter no. 75 dated 11.01.2013 issued by the Government of Bihar.

Learned counsel for the petitioner submits that the issue is no longer res integra in view of the judgment vide L.P.A No. 1463 of 2012 where squarely the same issue came under consideration and the Court has said that even the persons who have worked in the Child Labor Special School will get a weightage marks as identical to the other schools. It is not a matter of termination of service but matter is related to the payment of salaries which is not a disputed fact when the petitioner was selected on the basis of recommendation of Panchayat Secretary as a Panchayat teacher and has been working on the said post, so long as he is working on the said post, the salary can not be withheld. It is admitted fact that the petitioner is still in service, so long as he is in service, he is entitled for the same.

In such view of the matter, the District Education Officer is directed to release the salary to the Panchayat Unit, so that the same may be paid to the petitioner without unnecessary

delay. The payment should be made preferably within a period of six weeks from the date of receipt/production of a copy of this order.

With the aforementioned observation, this writ petition is allowed.

(Shivaji Pandey, J)

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