

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16190 of 2011

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1. Ranju Wife Of Rajeshwar Prasad Singh Resident Of Village Pupri P.S. Griyak District Nalanda At Present Working As An Panchayat Teacher In New Primary School Gangapur P.S. Nathat District Nawada

2. Ram Lakhan Prasad Son Of Late Sito Mahto Resident Of Village Berauta, P.S. Narhat District Nawada At Present Working As A Panchayat Teacher In New Primary School Porbaudh Baniya Bigha, P.S. Narhat, District- Nawada

.... Petitioner/s

Versus

1. The State Of Bihar

2. The District Education Officer, Nawada

3. The District Superintendent Of Education-Cum-District Programme Co-Ordinator, Bihar Education Project, Nawada

4. The Block Education Extension Officer Narhat District Nawada

5. The Panchayat Secretary Gram Panchayat Punaul , P.S. Narhat District Nawada

6. The Mukhiya Gram Panchayat Punaul, P.S. Narhat, District Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Respondent/s : AC to SC No. 2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 22-07-2016

Today again , on call, a prayer is being made by learned
AC to SC No. 2 for granting further time for filing counter affidavit.

The writ petition was filed in the year 2011 with a prayer
to direct the respondents to pay salary which was stopped since the
month of June 2007. In the writ petition claim was made for
directing the respondents to pay the salary from 1.6.2007 to
September, 2010.

In this case earlier twice time was granted for filing
counter affidavit. Lastly , on 13.5.2016 on the prayer of learned



counsel for the State , as a last indulgence, time till two weeks after Summer Vacation 2016 was granted, even thereafter no counter affidavit has been filed. Accordingly the prayer for adjournment made by learned State Counsel is refused particularly in view of the fact that petitioners in the present writ petition are making a prayer for directing the respondents for payment of their salary.

It is case of the petitioners that they were appointed as Panchayat Teachers in the year 2006 and they started to discharge their duty. Initially they were paid salary however without any rhyme and reason no payment was made. Learned counsel for the petitioners has referred to Annexure – ‘3’ and ‘4’ to the writ petition. The Annexure- ‘3’ is a communication made by Block Development Officer to Panchayat Secretary / Mukhiya of Punaul Gram Panchayat wherein the Panchayat Secretary and Mukhiya were asked to ensure payment of salary to the Panchayat Teachers. Annexure – ‘4’ is the order passed by the District Superintendent of Education -cum- District Programme Co-ordinator, Nawada addressed to Mukhiya and Panchayat Secretary, Punaul Gram Panchayat wherein specific direction was given to pay salary to the petitioners and other similarly teachers. This communication was issued on 24th February 2010. It has been argued that despite issuance of aforesaid directions the petitioners are not being paid their salary and in the writ petition

there is no response by the State and as such keeping in view the relief sought for in the writ petition the same is allowed. The respondents are directed to pay arrear of salary to the petitioners as claimed in the writ petition i.e. from 1.6.2007 to September, 2010 and also pay regular salary to the petitioners. Payment of arrear salary as indicated must be made within a period of three months from the date of receipt/ production of a copy of this order.

The writ petition is allowed.

The respondents are also directed to pay current salary if petitioners are discharging their duty.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	26-07-2016
Transmission Date	N.A.