

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6175 of 2013

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1. Poonam Kumari W/O Shri Surendra Yadav R/O Village- Dubiyahi, P.O.- Dighia,
P.S.- Kishanpur, District- Supaul

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Education Officer, Supaul
3. The District Programme Officer (Establishment), Supaul
4. The Block Development Officer, Kishanpur P.O. And P.S.- Kishanpur, District-
Supaul
5. The Block Education Officer, Kishanpur P.O. And P.S.- Kishanpur, District-
Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh,
Mr. S. N. Sharma, Advocates.

For the State : Mr. Kinkar Kumar, SC 27

For the Intervener : Mr. Shailesh Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-01-2016

Heard learned counsel for the petitioner and learned
counsel for the State as well as intervener.

In the present writ petition, petitioner has raised a limited
grievance that she has worked during the period from 29.6.2006
to 30.6.2006 and from 1.7.2007 to till date but she has not been
paid any salary for the reason best known to the Officer
concerned.

As per claim of the petitioner, she was appointed as a
Shiksha Mitra in the year 2003 and continued to work till



enforcement of Bihar Panchayat (Elementary Teacher Appointment Service Conditions) Rule, 2006. After enforcement of the aforesaid Rule the petitioner became Panchayat Teacher in terms of Rule 20(iii) of the Rules but the petitioner has been denied from her salary for the period as aforesaid. He has further submitted that one Ram Bilash Yadav has challenged the appointment of the petitioner vide C.W.J.C. No. 10924 of 2006 and this Court vide order dated 24.8.2010 dismissed the writ petition holding that writ petition is being misconceived. Ram Bilash Yadav has again moved to this Court vide C.W.J.C. No. 5680 of 2013 which was also dismissed. Thereafter he has filed a review petition which is pending as per learned counsel for the intervener.

In the meantime, appeal filed by Ram Bilash Yadav vide Appeal No.6 of 2013 was taken up and the Tribunal vide order dated 28.6.2014 has rejected the aforesaid appeal without going into the merit of the case only on the ground of pendency of review petition.

Matter with regard to payment of salary is attached with the employment of the petitioner. If the petitioner was appointed and continued to the post till date, she will not be deprived of salary by the respondent-State but this disputed question of fact

can only be looked into by the Tribunal.

In such view of the matter, petitioner is directed to approach to the Appellate Tribunal, file an application and the Tribunal will consider her case from all corner with regard to her appointment and continuation of service and entitlement of salary. Ram Bilash Yadav, intervener will have a liberty to appear and participated in the proceeding. Appellate Tribunal will decide the matter within a period of six months from the date of filing of the appeal. Appellate Tribunal, after hearing the parties, will decide the case in accordance with law.

With the aforesaid observation/direction this writ petition is disposed of.

(Shivaji Pandey, J)

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