

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19218 of 2016

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1. Amit Kumar Sah, Son of Nawal Kishore Sah, Resident of Village + P.O. Roshna, Block - Amdabad, District – Katihar.
 2. Ravi Kumar Gupta, Son of Satya Narayan Prasad Gupta, Resident of Village + P.O. Roshna, Block - Rampur, District – Katihar.
 3. Prakash Kumar Rajwar, Son of Dhanesh Rajwar, Resident of Village - Amdabad, P.O. Amdabad, District – Katihar.
 4. Kanhaiya Lal Chaudhary, Son of Lal Chaudhary, Resident of Village - Roshna, P.O. Roshna, Block - Prempur, District – Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
3. The Senior Deputy Collector, Confidential Cell, Katihar.
4. The District Education Officer, Katihar.
5. The District Programme Officer (Establishment), Katihar.
6. The Block Development Officer, Aazamnagar, Katihar.
7. The Block Education Officer, Aazamnagar, Katihar.
8. The Panchayat Secretary, Gram Panchayat Raj Sitalmani, Block - Aazamnagar, District – Katihar.
9. The Mukhiya, Gram Panchayat Raj Sitalmani, Block - Aazamnagar, District – Katihar.
10. Headmaster, Primary School, Dhokhariya, Aazamnagar, Katihar.
11. The Headmaster, Primary School, Korhabari, Aazamnagar, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Shashi Priya Pathak, Advocate

For the Respondent/s : Mr. Kameshwar Kumar, G.P. 17

Mr. S. K. Ranjan, A.C. to G.P. 17



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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 08-04-2017

Heard learned counsel for the petitioners and the State.

2. The petitioners have moved the Court for a direction to the respondents to pay the arrears as well as current salary of the petitioners.

3. Learned counsel for the petitioners submitted that they being duly appointed are also working on the post of Panchayat Teachers since having appointed on 20.11.2014. It was submitted that despite the same, the payment has not been made to them.

4. Counter affidavit has been filed on behalf of the State. The stand is that all records relating to such appointment have not been returned by the Ex-Panchayat Secretary and, thus, the authorities are unable to verify the claim of the petitioners. Learned counsel for the State submitted that even from the appointment letters, copies of which have been brought on record, it appears that petitioner no. 1 was appointed under Letter No. 1 dated 20.11.2014, whereas the appointment letters of petitioners no. 2, 3 and 4, all contain the same letter number, i.e., Letter No. 2 dated 20.11.2014, which clearly appears to be suspicious.

5. Be that as it may, since the stand of the respondents



themselves is that in the absence of the records, the verification relating to the claim of the petitioners cannot be made, the Court directs the respondent no. 5 to consider the matter, after going through the original records, for which necessary steps in accordance with law shall be taken for obtaining such records from the Ex-Panchayat Secretary, who is said to have retained the records.

6. It goes without saying that the respondent no. 5 shall look into the original records and also the claim raised by the petitioners and decide the same in accordance with law. For such purpose, let the petitioners file a fresh representation before the respondent no. 5, within two weeks from today, along with a copy of this order. Upon the same being done, the respondent no. 5 shall do the needful in accordance with the directions made hereinabove and pass orders within one month thereafter.

7. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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