

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3434 of 2017

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Mahesh Prasad Yadav, Son of Kishun Yadav, Resident of Village- Teliadah, P.O.- Batia, Block- Sona, District- Jamui, presently working as Panchayat Teacher in Primary School, Khairalewar, Block- Sono, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The District Education Officer, Jamui.
3. The District Programme Officer (Establishment), Jamui.
4. The Block Education Officer, Sono, District- Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Madanjeet Singh, G.P. 20

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-06-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

“i) For issuance of a writ in the nature of Mandamus commanding and directing the Respondents concerned to pay his due monthly salary since October, 2015 which has been stopped without issuing any specific letter/order to the petitioner alone on the ground that petitioner has been passed the Intermediate/Equivalent Examination within 33 months from the date of initial appointment on the post of Shikisha Mitra.

ii) For a further direction to pay month to month salary as well as arrears of salary as the same has not been paid despite allowing the petitioner to continuously discharged his duty as Panchayat teacher in the concerned school as also he has passed the Intermediate/equivalent examination on 22.09.2007 much prior to issuance of Government notification bearing No. 2517 dated



4.7.2008 giving retrospective effect.

iii) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”

3. Learned counsel for the petitioner submitted that despite him still being working as a Panchayat Teacher, his salary since October, 2015 has not been paid on the ground that he had not passed the Intermediate equivalent examination within 33 months of his initial appointment. Learned counsel submitted that the said stand is erroneous as the Government itself has granted such relaxation to persons, who had passed the Intermediate examination after 33 months of the initial employment. It was further submitted that the qualification of Sahitya Bhushan from Hindi Vidyapeeth, Deoghar was valid in the year 2007 when the petitioner obtained the degree and only with effect from 07.05.2012, the same has been derecognized. Learned counsel submitted that on the ground that the petitioner passed the Intermediate equivalent examination and having been in continuous service, stopping salary is arbitrary. Learned counsel has drawn the attention of the Court to an order of a co-ordinate Bench of this Court in the case of **Indu Devi vs. State of Bihar** reported as **2010 (2) PLJR 241**, in support of his contention. He has further brought to the notice of the Court that the said order has been upheld by a Division Bench on 09.03.2011 in L.P.A. No.



1247 of 2009.

4. Learned counsel for the State does not dispute the aforesaid position.

5. Having considered the matter, the writ petition stands disposed off with a direction to the respondents to ensure payment of salary to the petitioner, which shall be paid within four weeks from the date of production of a copy of this order before the respondent no. 2.

(Ahsanuddin Amanullah, J.)

P. Kumar

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