

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1131 of 2017

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Malti Devi, wife of Sri Sunil Kumar Sah, resident of village - Harla, P.O. + Block - Laxmipur, District - Jamui; presently posted as Panchayat Teacher in Primary School, Rampur, Block - Laxmipur, 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, Laxmipur, District - Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarvadeo Singh, Advocate
For the Respondent/s : Mrs. SHILPA SINGH -GA12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-12-2017 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

For the present the grievance of the petitioner is regarding non-payment of salary despite the petitioner working continuously.

The respondents have filed a counter affidavit but it is not disputed that the petitioner is not working. If the petitioner is working, the respondents cannot deny the salary so long the petitioner is working the respondents are under obligation to make payment of salary otherwise they would be guilty of violation of the constitutional provisions contained in Article 23 of the Constitution of India. In view of the undisputed fact that



the petitioner is still working, the respondents are under obligation to make payment.

The writ application is disposed of with the direction to the Respondent No. 2 to ensure payment of the salary for the period the petitioner has worked within a period of six weeks from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

It is made clear that the other issues raised in the writ petition has not been examined in view of the limited issue raised during the course of hearing of this case.

(Anil Kumar Upadhyay, J)

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