

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6305 of 2016

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Sunita Kumari, Wife of Ajay Kumar Resident of Village - Purani Bazar, P.S. :
Maharajganj, District : Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Primary Education Department,
Government of Bihar, Patna.
2. The Director, Primary Education Department, Bihar, Patna.
3. The District Education Officer (D.E.O.), Siwan, District - Siwan.
4. The District Magistrate (D.M.), Siwan.
5. The District Programme Officer (D.P.O.), Siwan, District - Siwan.
6. The Block Education Officer (B.E.O.), Drauda, District : Siwan.

.... Respondents

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Appearance :

For the Petitioner : Mr. Arbind Kumar, Advocate
For the State : Mr. Mahtas Alam, A.C. to S.C. 20

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-02-2017

Learned counsel for the petitioner seeks leave to withdraw
the statement made in paragraph no.2 of the supplementary affidavit.

Let paragraph no.2 of the supplementary affidavit be
deleted.

Heard parties.

The petitioner seeks payment of salary from July 2012 to
December, 2014 and from January 2015 till date.



It is contended that petitioner joined as Panchayat Teacher on 01.12.2006 at Rajkiya Primary School, Machhauti, Anchal Daraua, District, Siwan. However, she had alleged that headmaster of the school and one of the assistant teachers were misbehaving with her and were offering to favour her if she maintains illicit relationship with them. It is further contended that the petitioner made complaint to the Mukhiya of the Gram Panchayat and also filed two petitions before the District Education Officer, Siwan against the headmaster and assistant teacher of the school but neither she has been transferred nor any action has been taken against them. The petitioner also filed petition dated 21.07.2012 and 01.08.2012 before the District Magistrate, Siwan but everything went in vain. Thereafter, she filed C.W.J.C. No.18832 of 2012 which was disposed of directing the petitioner to approach the District Teachers Employment Appellate Authority for redressal of her grievance. The authorities have allowed the prayer in part after noticing that even though as alleged, such advance were made by headmaster and other assistant teacher, no F.I.R. was ever lodged by the petitioner but only complaints were made before the higher authority. Thus, in the facts and circumstances, the appeal was allowed in part directing the petitioner to be transferred to some other school. Thereafter, the petitioner was transferred to Primary School, Balua and she had joined on



02.01.2015.

A counter affidavit has been filed on behalf of the respondent authorities and submitted that for the aforesaid period till the joining at Primary School, Balua, the petitioner remained absent. Copy of the concerned register has been appended with the counter affidavit. In such a situation, it is contended that since the petitioner did not work, she has not been allowed any salary. However, it is submitted that after her joining at Primary School, Balua, the petitioner is getting salary which is being orally refuted by learned counsel at the time of hearing.

In such a situation, this Court would direct the respondent no.3, the District Education Officer (D.E.O.), Siwan, District, Siwan to examine as to whether the petitioner is being paid salary after 02.01.2015 or not when admittedly she had joined at Primary School, Balua. If no salary has been paid then the same should be calculated and paid to the petitioner within a period of two months from the date of receipt/production of a copy of this order and she would also be entitled for payment of current salary since her joining at the school.

So far the period during which the petitioner has remained absent, let her approach the District Education Officer (D.E.O.), Siwan, District, Siwan by filing a detailed representation who shall examine the matter and also examine as to whether there was certain



attending circumstances which compelled the petitioner not to join the school as per her complaint made before the authority or not. Thereafter, he would take a decision in accordance with law which should be communicated to the petitioner expeditiously preferably within three months from the date of filing of representation along with a copy of this order.

This disposes of the writ application.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2017
Transmission Date	NA

