

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3275 of 2017

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Jamil Akhatar, Son of Md. Fida Hussain, Resident of Village- Kaigawan,
P.O.- Athmuhan, P.S.- Jitna, Block Bankatwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. The Director Primary Education, Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Education Officer, East Champaran Motihari.
5. The District Programme Officer (Programme & Audit), East Champaran at Motihari.
6. The District Programme Officer (Literacy), East Champaran at Motihari.
7. The Block Development Officer, Bankatwa, East Champaran.
8. The Block Education Officer, Bankatwa East Champaran.
9. The Head Master, Govt. Primary School Koigawan, Block- Bankatwa, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mrs. Meetu Jha, AC to GA12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-12-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The grievance of the petitioner in the present case is non-
payment of honorarium since July, 2011.

Counsel for the petitioner submits that the petitioner is still
continuing but neither he has been adjusted under the Sarva
Shiksha Abhiyan nor he has been paid honorarium whereas the
similarly circumstanced others were paid honorarium and they
have been considered for adjustment, as such, he submits that
the respondents may be directed to consider the case of the



petitioner for payment of honorarium and adjustment like similarly circumstanced others.

So far as the payment of honorarium is concerned, if the petitioner has worked and is still working, the respondents are required to make payment of honorarium as otherwise taking work and denying honorarium would amount to *Begari* which is prohibited under Article 23 of the Constitution. So far as the claim of the petitioner for adjustment is concerned, the court cannot pass any positive order in favour of the petitioner. However, the respondents are required to consider the case of the petitioner if otherwise he is eligible for adjustment and if similarly circumstanced have been adjusted.

In the aforesaid backdrop, the writ petition is disposed of with a direction to the petitioner to file representation along with a copy of this order before the respondent No. 6 who shall examine the claim of the petitioner as to his entitlement of payment of honorarium as also adjustment of the petitioner if the policy of the State Government permits so. Such exercise must be completed expeditiously preferably within six months from the date of receipt/production of a copy of this order along with the representation, if any, filed by the petitioner.

With the aforesaid, the writ petition stands disposed of.



It is made clear that this court has not expressed any
opinion on the merit of the claim of the petitioner.

(Anil Kumar Upadhyay, J)

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