

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1536 of 2017

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Pramod Kumar, Son of Surendra Paswan, Resident of village- Birbal Bigha,
P.S.- Bane, District - Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The District Education Officer, Nalanda.
5. The Block Development Officer, Ben, District - Nalanda.
6. The Multhiya, Gram Panchayat Raj Eksara, Ben, District- Nalanda.
7. The Panchayat Secretary, Grain Panchayat Raj Eksara, Ben, District Nalanda.
8. The Superintendent of Police -cum- Station House Officer, Vigilance Investigation Bureau, Circular Road, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh
For the Respondent/s : Mr. Subhash Chandra Mishra- SC16

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-09-2017 Heard learned Counsel for the parties concerned.

The petitioner seeks direction to the respondents for payment of his due salary upon his engagement as Panchayat Teacher.

From the materials on record, it seems that the appointment of the petitioner and some other persons, as Panchayat Teachers, of the Gram Panchayat Raj Eksara, Ben, in the district of Nalanda, has been under cloud.

The petitioner had earlier approached this Court seeking direction for payment of salary. Taking note of the vigilance



enquiry going on under the orders of this Court, into the engagement of the petitioner and others, as Panchayat Teachers, this Court, on 11.09.2015, in a batch of writ applications, in CWJC No. 20983 of 2013 and analogous matters (Jairani Kumari and Another v. The State of Bihar and Others), had passed following order:-

“The matter should be expedited for yet another reason that such illegally selected and appointed persons are not required to continue as well as be permitted to assert their right for payment of salary or any emoluments since such selection and appointment seems to be based on fraud and deceit etc. etc.

In view of the order passed above, there cannot be any occasion to give any direction for payment of salary to any of these persons at this juncture and stage. The occasion may arise only if no charge-sheet is filed against any of the petitioners, who may have joined the cause together in different writ applications.

The Court grants them leave to approach the High Court again provided their name do not figure in



the list of accused persons against whom the law will be set in motion in relation to these appointments.

Yet another writ application, which is CWJC No.21699 of 2014, was for a direction to remove the illegally appointed teachers as well as for a direction to hold vigilance enquiry looking at the large scale illegalities, which was alleged in the writ application, by the committee.

Looking at the nature of the order passed above, the petitioner, Siya Sharan Sharma, to some extent, succeeds. No separate order is required to be passed because what has been directed takes care of the relief which he was looking for.”

(Emphasis is supplied)

A counter affidavit has been filed on behalf of the respondents-State of Bihar, stating therein that so far the vigilance enquiry is concerned, the same has not been concluded and no final form has, so far been submitted.

In view of the observation made by this Court, as noted above, no relief in terms of issuance of directions for payment of salary can be granted.

It is, however, observed that the Vigilance must expedite



conclusion of investigation since the delay, which is being caused, is not only against the interest of the petitioner, but it is also against public interest. It is also observed that the enquiry should be completed within a period of six months from today, at least, to the extent of genuineness of appointment of the petitioner.

This application stands disposed of with the observation, as above.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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