

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3437 of 2017

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Rama Shankar Mahto Son of Sri Ram Dular Mahto, Resident of Village-Khajpur, P.S.- Babubarhi, District Madhubani, presently posted as Nioyjit Teacher in Upgraded Middle School Chandaur, Saur Bazar, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department Govt. of Bihar, Patna.
2. The Director Primary Education, Bihar, Patna.
3. The Director Research and Training Directorate Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Madhubani.
5. The District Education Officer, Saharsa.
6. The District Programme Officer (Establishment), Saharsa.
7. The Block Development Officer Saur Bazar Saharsa.
8. The Block Education Officer Saur Bazar Saharsa.
9. The Headmaster Upgraded Middle School Chandaur Saur Bazar Saharsa.
10. The Drawing Disbursing Officer, Upgraded Middle School Chandaur Saur Bazar Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Respondent/s : Mr. Ashutosh Ranjan Pandey-Aag15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

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

The grievance of the petitioners in this writ application is denial of the salary for the period the petitioner was undergoing training pursuant to the decision of the respondents.

Counsel for the petitioner submits that State cannot act arbitrarily and discriminately and if the respondents have adopted policy, the policy should be unifor and they will not make



pick and choose in the matter of payment of salary during the period individual has undergone training pursuant to the decision of the State Government. If the State Government has taken a decision not to make payment to any teacher during the training period the State Government, the State Government cannot adopt two yardsticks one for petitioner and another for other teachers and grant salary for the training period.

Considering the aforesaid backdrop of the fact, the writ application is disposed of with liberty to the petitioner to represent respondent Director, Primary Education Officer, respondent no.2 who will look into the grievance of the petitioner, if it is found that other teachers have been paid salary during the period of training, the same treatment should be extended to this petitioner also. In the event, the respondent no.2 finds that as matter of policy salary is not payable to any teacher then the respondent no.2 may pass reasoned and speaking order and dispose of the claim of the petitioner within a period of 60 days from the date of receipt/production of this order.

(Anil Kumar Upadhyay, J)

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