

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6604 of 2018

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Abhinav Kumar son of Sohan Singh resident of village - Daudpur, P.O. Daudpur Bagicha, P.S. Shahpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The District Education Officer, Bhojpur at Ara.
5. The District Programme Officer (Establishment), Bhojpur at Ara.
6. The Block Education Officer, Barahara, District - Bhojpur.
7. The Panchayat Secretary, Gram Panchayat, Nathmalpur, Block Barahara, District Bhojpur.
8. The Headmaster, Primary School, Mahadahi, Hathmalpur, District - Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sri Krishna Ranjan
For the Respondent/s : Mr. Kameshwar Kumar- Gp17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-04-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is non-payment of salary.

Learned counsel for the petitioner submits that the petitioner was validly appointed and he is discharging his duty as Panchayat teacher yet he has not been paid salary. Taking work and denying payment, amounts violation of Article 26 of the Constitution of India.

In the matter of payment of salary, the respondents are required to make payment. Factorial enquiry is to be done



whether the petitioner's appointment is legal and valid and whether the petitioner has acted for the petitioner, the petitioner is claiming salary. The factual enquiry is to be done by the respondents as necessary documents are lying with respondents.

Considering the nature of enquiry involved in the writ petition, the writ petition is disposed of with direction to the District Programme Officer (Establishment), Bhojpur at Ara to verify the record and on verification of the record, it is found that the petitioner's appointment is valid and legal and the petitioner has actually worked for the period the petitioner is claiming salary, necessary order for grant of salary to the petitioner may be passed by the respondent District Programme Officer (Establishment), Bhojpur at Ara within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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