

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6311 of 2018

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Shashi Kant Pandey, son of Sri Kameshwar Pandey, resident of Village + P.O. -
Penal, P.S. - Nokha, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Aurangabad.
5. The District Programme Officer (Establishment), Aurangabad.
6. The Block Development Officer, Madanpur Block, Aurangabad.
7. The Block Education Officer, Madanpur, Aurangabad.
8. The Headmaster, Up-graded Secondary School, Rasalpur, Madanpur,
Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayan Singh, Advocate
For the Respondent/s : Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 12-04-2018

Heard learned counsel for the petitioner and State.

The grievance of the petitioner in the writ application
is non-payment of salary, despite the petitioner is regularly working.

The claim of the petitioner is that he is validly
appointed as Block Teacher pursuant to recruitment process in
Madanpur Block of Aurangabad district.

Learned counsel for the petitioner submits that for
discharge of work denying the salary is violative of Articles 14 and 16
of the Constitution of India.

In the matters of payment of salary, the authorities are



required to examine whether the petitioner’s appointment is valid and has worked for the period he is claiming salary. Both the factual aspects are required to be done at the level of the respondent authorities, as they are the custodian.

In view of the above, the writ application is disposed of with a direction to the respondent District Programme Officer (Establishment), Aurangabad to verify the record and to ascertain whether the appointment of the petitioner is valid and the petitioner has worked for the period he is claiming salary. In case, it is found that the appointment of the petitioner is legal and valid, the respondent District Programme Officer (Establishment), Aurangabad is required to ensure payment of salary for the petitioner for the petitioner he is claiming salary, if he has worked and his appointment is valid. Appropriate decision in this regard must be taken by the respondent District Programme Officer (Establishment), Aurangabad within a maximum period of 60 days from the date of receipt/production of a copy of this order and the consequential benefit should be extended to the petitioner within the same time.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.04.2018
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