

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16508 of 2016

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Rekha Kumari Wife of Arun Paswan resident of Village Bhaur, P.O. Bhaur,
P.S. Khaira, District Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary Education Department, Govt. of Bihar, Patna.
3. The District Education Officer, Jamui.
4. The District Programme Officer (Establishment), Jamui.
5. The Block Education Officer, Khaira, District Jamui.
6. The Block Development Officer, Khaira, Jamui.
7. The Panchayat Secretary, Gram Panchayat Raj Raipura, P.S. Khaira, District Jamui.
8. The Mukhiya, Gram Panchayat Raj - Raipura P.S. Khaira, District Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the State : Mr. Pramod Kr. Singh, AC to SC16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 19-02-2018

Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the State.

This writ petition was filed on 28.09.2016 with two advance
copies of the brief to the office of the Advocate General but even
after more than one year and five months, the respondents have not
filed counter affidavit.

Learned counsel for the petitioner submits that in view of the
decision of the State Government itself the petitioner has passed
the intermediate examination and as such the petitioner is entitled
to continue as Panchayat Teacher and entitled to payment of salary
for the period she has already worked. He submits that the



petitioner is regularly working as Panchayat Teacher but without any rational justification the petitioner has not been paid salary by the respondents.

In view of the fact that the petitioner was appointed initially as Shiksha Mitra and under the scheme of the Rule the petitioner was absorbed as Panchayat Teacher, the respondents are required to take final decision with regard to payment of remuneration/salary to the petitioner for the period she has worked as Panchayat Teacher. The respondents are also required to examine the claim of the petitioner that she has passed the intermediate examination as per the policy decision of the Government and as such there is no impediment in payment of salary to the petitioner as Panchayat Teacher.

In view of the above, instead of keeping the matter pending, the writ petition is disposed of with liberty to the petitioner to file a detailed representation before the respondent Nos. 3 and 4 who shall examine the record and consider the claim of the petitioner in the light of the policy decision of the Government wherein the State Government has extended time for passing intermediate examination within a period of six years. In the event such notification has been issued by the State Government and the petitioner has worked as Panchayat Teacher after absorption under



the scheme of the Rule of 2006, the respondent Nos. 3 and 4 shall ensure payment of salary for the period the petitioner has worked.

The final decision in this case must be taken by the respondents within three months from the date of filing of the representation and necessary order for payment be issued by the respondents within the same period.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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