

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19117 of 2017**

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Smt. Sandhya Bharti wife of Avinash Kumar and daughter of Kanhaiya Ram  
resident of village - Vijan Tola, P.O. - Jitaura, Police Station - Piro, District -  
Bhojpur at present Mohalla - Turha Toli, Main Road, Ward No. 19, Opposite  
Krishna Cinema, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources  
Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, Bhojpur (Ara).
3. The Director Primary Education, Bihar, Patna.
4. The District Programme Officer, Bhojpur (Ara).
5. The District Education Officer, Bhojpur (Ara).
6. The Block Education Officer, Bhojpur (Ara).

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar Tewary, Advocate  
For the Respondent/s : Smt. Shilpa Singh -GA12

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      28-02-2018              Heard learned counsel for the petitioner and the counsel  
appearing on behalf of the State.

Learned counsel for the petitioner submits that the  
petitioner was appointed on the post of Block Teacher at  
Jagdishpur, Bhojpur at Ara.

He submits that after joining of the petitioner on the post,  
petitioner was denied salary despite the petitioner is regularly  
working. Taking work and denying payment is violation of  
Article 23 of the Constitution of India as respondent cannot take  
beggari from the petitioner provided appointment of the  
petitioner is valid. Payment of salary requires factual enquiry



whether appointment is legal and valid and whether the petitioner has actually worked for the period claiming salary. The factual enquiry is required to be done by the respondent State authority and as such the writ petition is disposed of with direction to the District Programme Officer (Establishment), Ara to examine the relevant record to ascertain whether the appointment of the petitioner is legal and valid and whether petitioner is working since 1.6.2015. In case, the appointment of the petitioner is found legal and valid and the petitioner is found to be working since 1.6.2015, necessary order for payment of arrears and current salary of the petitioner may be passed by the respondent within a maximum period of two months from the date of receipt/ production of a copy of this order.

It is needless to state here that the respondents after determining the entitlement of the petitioner for payment of arrears and current salary will issue necessary consequential order for payment of salary arrears and current salary within a further period of one month from the date of determination of entitlement of petitioner.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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