

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19601 of 2016

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1. Jai Prakash Sah Son of Girija Shankar Sah Resident of Village - Roshna, P.O. - Roshna, P.S. - Roshna, District - Katihar.
 2. Rahul Kumar Singh Son of Bhola Singh Resident of Village - Pasol, P.O. - Kharsanta, P.S.- Kharsanta, District - Katihar.
 3. Sunil Kumar Suman Son of Anandi Prasad Gupta Resident of Village - Roshna, P.O. - Roshna, P.S. - Roshna, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
3. The District Education Officer, Katihar.
4. The District Programme Officer (Establishment), Katihar.
5. The Block Education Officer, Aazamnagar, Katihar.
6. The Panchayat Secretary, Gram Panchayat Raj Gorakhpur, Block - Azamnagar, District - Katihar.
7. The Mukhiya, Gram Panchayat Raj Gorakhpur, Block - Azamnagar, District - Katihar.
8. The Headmaster, Primary School, Hurahazra, Gram Panchayat Gorakhpur, Block - Aazamnagar, District - Katihar.
9. The Headmaster, Primary School, Maangoi, Gram Panchayat - Gorakhpur, Block - Aazamnagar, District - Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Smt. Shashi Priya Pathak, Advocate
For the Respondent/s : Mr. Pramod Kumar Singh AC to SC16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 06-03-2018

Learned counsel for the petitioners is permitted to add the District Magistrate, Katihar as party respondent No.10 during the course of the day.

Heard learned counsel for the petitioners and the State.

The present writ petition has been filed for a direction to the respondents to make payment of salary to the petitioners as they



have been validly appointed and they are discharging their duties on the post of Panchayat Teacher.

On behalf of the respondent-District Programme Officer a counter affidavit has been filed. The counter affidavit appears to be most evasive. There is no dispute as to the validity of the appointment of the petitioners as Panchayat Teacher. There is also no dispute that the petitioners have not discharged the duties and responsibilities as Panchayat Teacher. The District Programme Officer has tossed the blame on the Employment Unit and the respondent No. 6, the Panchayat Secretary. In the hierarchy the officers in the Department are supposed to manage the working of the system introduced by way of appointment of Panchayat Shikshak but it appears that everyone is passing the buck in the matter of Panchayat Teachers.

From the counter affidavit, it appears that the District Programme Officer instead of discharging his official responsibility has washed his hand saying that it pertains to Employment Unit and Panchayat Secretary, respondent No. 6 is the competent authority.

This court has noticed similar stand taken by the District Programme Officer in various other cases. In one of the cases stand has been taken that despite order of the District Programme



Officer, Panchayat Secretary and the Mukhiya are not obeying the direction and as a result whereof payments are not made to the teachers working as Panchayat Teacher.

In the matter of payment of salary enquiry is to be made only on two factual aspects, (i) whether appointment of the petitioners is valid or not? and (ii) whether the petitioners have worked for the period they are claiming salary. These two facts are required to be ascertained by the District Programme Officer on the basis of the documents available in the Employment Unit and for such enquiry he shall issue direction to the respondent Nos. 6 and 7 to produce the relevant documents and final decision in this regard may be taken within a period of one month and thereafter he shall issue appropriate direction to respondent nos. 6 and 7 for payment of salary on satisfaction that the appointment of the petitioners is legal and valid and the petitioners have worked during the relevant period.

In the peculiar facts and circumstances of the case, the District Programme Officer, Establishment, Khagaria is directed to issue direction to the concerned Panchayat Secretary and the Mukhiya, respondent Nos. 6 and 7 to take final decision in this regard and if the direction is not carried out within one month from the date of such direction, the District Programme Officer is



required to bring to the notice of the District Magistrate, Katihar the attitude of the respondents Mukhiya and Panchayat Secretary concerned and it is expected that he would take all coercive action to ensure compliance of the direction with regard to payment of salary to the petitioner.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.3.2018
Transmission Date	

