

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19546 of 2016**

Reena Rani, Wife of Sri Purushottam Kumar, Resident of Village/Mohalla+P.O.- Barhi Bigha, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. Principal Secretary, Human Resources Development Department, Govt. of Bihar.
3. Director, Primary Education, Bihar, Patna.
4. District Magistrate, Nalanda.
5. District Education Officer, Nalanda at Bihar Sharif.
6. District Programme Officer, Nalanda at Bihar Sharif.
7. Block Education Officer, Hilsa, Nalanda.
8. Mukhiya, Korawan Gram Panchayat within Hilsa Block, District- Nalanda.
9. Panchayat Secretary, Korawan Gram Panchayat within Hilsa Block, District- Nalanda.
10. Head Master, Primary School, Damodarpur under Hilsa Prakhand, District- Nalanda.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr. Pramod Kumar                                               |
| For the Respondent/s | : | Mr. Madhaw Prasad Yadav- GP23<br>Mrs. Meera Singh, AC to GP-23 |

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

2      12-02-2018              Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

Mr. Promad Kumar, learned counsel for the petitioner, submits that the petitioner was appointed initially as Shiksha Mitra and by virtue of the new Rule 2006, the services of the petitioner was absorbed as Panchayat Teacher. Earlier, the petitioner has approached this Court for a direction to the respondents to pay the salary of arrears contained in Annexure-4 dated 02.02.2012. The writ petition was disposed of with a direction to the petitioner to approach the Appellate Authority and pursuant to the order contained in Annexure-4 dated 02.02.2012. the petitioner has approached the District Teachers



Appointment Appellant Authority, Nalanda, Bihar Sharif in Appeal No. 11 of 2010 and after due deliberation and consideration of the submission of the parties, the Appellate Authority held out that the appointment of the petitioner as Shiksha Mitra and absorption as Panchayat Teacher is legal and valid. The decision of the Appellate Authority contained in Annexure-5 dated 11.04.2012 was challenged in C.W.J.C. No. 4543 of 2013 and vide judgment dated 29.03.2016, the writ petition was dismissed and the decision of the Appellate Authority contained in Annexure-5 was upheld. In the aforesaid background, Mr. Promod Kumar, learned counsel for the petitioner submits that in view of the fact that the Appellate Authority decision is in favour of the petitioner, which was approved by the High Court in C.W.J.C. No. 4543 of 2013 dated 29.03.2016, the petitioner is entitled to payment of salary from December, 2008 to April, 2013 as the petitioner cannot be made to suffer for the pendency of the proceeding and arbitrary act of the respondents in denying the payment of salary. He submits in particular that the petitioner was forced to approach this Court by way of filing the writ application in C.W.J.C. No. 14643 of 2010, when arbitrarily, the respondents stopped the payment of salary, the legality and the validity of appointment of the



petitioner was upheld by the Appellate Authority vide Annexure-5 and the High Court has also approved the decision of the Appellate Court.

Under the aforesaid circumstance, the matter of denial of payment of salary is illegal and arbitrary as the petitioner's appointment was legal and valid and it was approved by the Appellate Authority as well as the High Court.

Under the aforesaid circumstance, instead of keeping the matter pending, the writ petition is disposed of with a direction to the respondents to examine the record and verify the fact whether the petitioner has worked for the aforesaid period and if it is found on verification of record that she has worked for the aforesaid period, necessary order for payment of salary should be passed by the respondents within a maximum period of 60 days from the date of receipt/production of a copy of this order.

**(Anil Kumar Upadhyay, J)**

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