

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15400 of 2015

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1. Pradip Kumar Sharma, S/o- Sri Hardev Sharma, Resident of Village and Post- Banuchhappar, Dist- West Champaran.
 2. Arun Kumar Singh, S/o- Sri Shambhu Nath Singh, Resident of Village- Gadar, Post- Hussainganj, P.S.- Andar, Dist- Siwan.
 3. Sujit Sah, S/o- Sri Amala Sah, Resident of Village and Post - Koirigawan, Dist- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary H.R.D., Bihar.
2. The Director, Primary Education, H.R.D., Patna, Bihar.
3. The District Education Officer, Siwan.
4. The District Program Officer (Establishment), Dist- Siwan.
5. The Block Education Officer, Badahariya, Dist- Siwan.
6. The Block Education Officer, Jiradei, Dist- Siwan
7. The Panchayat Secretary, Gram Panchayat, Raj Rasulpur, Block- Badahariya, Dist- Siwan.
8. The Mukhiya, Gram Panchayat Raj Rasulpur, Block-Badahariya, Dist- Siwan.
9. The Panchayat Secretary, Gram Panchayat Raj Gadar, Block- Jiradei, Dist- Siwan.
10. The Mukhiya, Gram Panchayat Raj Gadar, Block- Jiradei, Dist- Siwan.
11. The Panchayat Secretary, Gram Panchayat Raj Rachhopali, Block- Badahariya, Dist- Siwan.
12. The Mukhiya, Gram Panchayat Raj Rachhopali, Block- Badahariya, Dist- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey
For the Respondent/s : Mr. Roy Shivaji Nath

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioners and counsel
appearing on behalf of the State.

Learned counsel for the petitioners would submit that
the petitioner is regularly working and without any reason and
without any opportunity of hearing the payment of salary has
been abruptly stopped.



On behalf of the respondent stand has been taken in the counter affidavit that the petitioners are not entitled to payment of salary because the petitioners were appointed on the basis of certificate which is not valid certificate. Since the appointment of the petitioner itself invalid so there is no question of issuing any direction for payment of salary to the petitioner. In para 8 of the counter affidavit following stand has been taken. Para 8 of the counter affidavit quoted below for ready reference:-

“ That it is submitted that this issue has been considered by this Hon’ble Court in CWJC No. 5548J2011 Sanjay Kumar Vs. The State of Bihar and others in which vide order dated 17.01.2012 it was held that-

“ The issue of appointment or continuation of these petitioners on the post of Panchayat Teacher on the basis of a degrees obtained by them is no longer res integra. The Division Bench of this Court has already declared it so many terms that such degree is not valid in the eye of law i.e. Basic Teachers’ Training Certificate which were issued by the Bhartiya Shiksha



Parishad, Uttar Pradesh which is a dubious institution.”

Considering the fact that the petitioners appointment is under cloud the Court cannot issue any positive direction except that if the petitioners appointment are not valid the respondent should take appropriate decision on the continuation of the petitioners as taking work and denying salary is not permissible. If the respondents have taken work from the petitioner the respondents obliged to pay the salary for the period petitioner has actually worked. The respondents are directed to take necessary decision on the continuation of the petitioners as well as payment of salary to the petitioners by speaking and reasoned order at earliest preferably within a period of 60 days from the date of receipt/ production of a copy of this order.

With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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