

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10658 of 2017

Moazzam Mahmood, S/o Late Sultan Mahmood, R/o Village- Gangapur,
P.O.- Dangol, P.S.- Balrampur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education , Government of Bihar, Patna.
4. The Presiding Officer, District Teacher Appellate Authority Jamui, District- Jamui.
5. The District Magistrate Jamui, District- Jamui.
6. The District Education Officer, Jamui, District- Jamui.
7. The District Programme Officer (Establishment) Jamui, District- Jamui.
8. The Block Development Officer, Khaira, Block- Khaira, District- Jamui.
9. The Block Education Officer Khaira, Block- Khaira, District- Jamui.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10202 of 2017

Shashi Kumar S/o - Late Sunil Kumar Singh R/o - At + P.O. - Kharsari, P.S. +
District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Presiding Officer, District Teacher Appellate Authority Jamui, District - Jamui.
5. The District Magistrate, Jamui, District - Jamui.
6. The District Education Officer, Jamui, District - Jamui.
7. The District Programme Officer (Establishment), Jamui, District - Jamui.
8. The Block Development Officer, Khaira, Block - Khaira, District - Jamui.
9. The Block Education Officer, Khaira, Block - Khaira, District - Jamui.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10230 of 2017

Rohit Kumar Thakur, S/o- Sri Bajrangi Thakur. R/o- Village- Ketaribank,
P.O.- Gadi Bishanpur, P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus



1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Presiding Officer, District Teacher Employment Appellate Authority Jamui, District- Jamui.
5. The District Magistrate Jamui, District- Jamui.
6. The District Education Officer, District- Jamui.
7. The District Programme Officer (Establishment), Jamui, District- Jamui.
8. The Block Development Officer Khaira, Block- Khaira, District- Jamui.
9. The Block Education Officer Khaira, Block- Khaira, District- Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Respondent/s : Mr. Apurv Harsh, AC to SC 28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 02-02-2018 Heard learned counsel for the petitioners and learned counsel appearing for the respondents.

The issue raised in the present writ application is for payment of salary. The petitioners were appointed on compassionate ground as Block Teacher but despise the order of appointment salary has not been paid to the petitioners.

Considering the fact that the petitioners were appointed on compassionate ground and they are still working, there is no justification in denying payment of salary for the period the petitioners have worked.

In the peculiar facts and circumstances of the case, the respondents are directed to examine the claim of the petitioners and if it is found that the appointment is made in accordance



with law and they are regularly working, the respondents are under obligation to ensure payment of salary as taking work and denying salary amounts to *Begari* which is prohibited under Article 23 of the Constitution.

In view of the above, all the three writ petitions are disposed of with the direction to the District Programme Officer to ensure that arrears as well as current salary is paid to the petitioners within a maximum period of three months from the date of receipt/production of a copy of this order after verification of the records available with the respondents as to the validity of the appointment and working of the petitioners after appointment on compassionate ground.

(Anil Kumar Upadhyay, J)

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