

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8322 of 2014

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1. Md. Karimullah Son of Md. Mufeez Alam Resident of Village Khortha, P.O. Belahiya, P.S. Belsand, District- Sheohar
 2. Md. Salahuddin Son of Md. Abdul Quadir Resident of Village Kakorha, District Darbhanga
 3. Md. Islam Son of Md. Zainul Haque Resident of Village & P.O. Parsouni, District Sitamarhi
 4. The Managing Committee of Madarsa Anisul Ghorbha, Darbhanga through its Secretary Abul Bari S/O Late Md. Daud resident of Mohammadpur Quaziana, P.O. Bahera, District Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Special Director Secondary Education, Bihar, Patna
3. The District Education Officer, Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Pankaj, AC to SC 5

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 07-08-2018

Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

2. The grievance of the petitioners in the present writ petition is non-payment of salary. They claim that they have been validly appointed on vacant sanctioned post of Assistant Teacher by the Managing Committee of the Madarsa in question and their services have been approved but due to inaction on the part of the District Education Officer, Darbhanga the petitioners have not been paid their salary.



3. On behalf of the respondent No. 3, a counter affidavit has been filed, wherein letter dated 21.10.2016, Annexure-B has been annexed to contend that the Head Moulvi has written letter to District Education Officer, Darbhanga indicating therein that the petitioners were appointed against unsanctioned post and there was no sanctioned post. In that view of the matter, stand has been taken on behalf of the respondents that this fact establishes that the petitioners were appointed against unsanctioned post and there was no approval of the Madarsa Board and as such there is no obligation of the State.

4. Under the aforesaid circumstances, the writ petition is disposed of with liberty to the petitioners to produce the relevant documents before the District Education Officer indicating that they were appointed on sanctioned vacant post and there was necessary approval of the Madarsa Board for the purpose of payment of salary.

5. In case the petitioners produce such documents along with a copy of this order, the respondent-District Education Officer, Darbhanga shall examine the validity of the appointment of the petitioners within the parameters of Annexure-C and pass appropriate order for payment of salary. Final decision in this



regard must be taken within a maximum period of four months from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2018
Transmission Date	

