

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15412 of 2015

Madhuri Sinha D/o Shri Devnandan Prasad Singh resident of Ratnakar
Bhagwan Kund Road, Rajgir District Nalanda. Petitioner/s

Versus

1. The State of Bihar
 2. The District Teacher Appellate Authority, Nawada, Bihar.
 3. The District superintendent of Education, Nawada. .
 4. The Block Development Officer, Block Akbarpur, District Nawada.
 5. The Block Education Officer , Block Akbarpur , District Nawada.
 6. The Panchayat Secretary, Panchayat Raj ,Pani Block Akbarpur District Nawada.
 7. The Selection Committee of Panchayat Raj, pani Block Akbarpur District Nawada.
 8. The Mukhiya Panchayat Raj, Panti Block Akbarpur district Nawada.
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Prakash Srivastava, Advocate
For the Respondent/s : Mr. Aag15- Yogendra Pd. Sinha
Mr. Shankar Kumar, AC to AAG-7

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 29-11-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Mr. Prakash Srivastava, learned counsel appearing on behalf of the petitioner has contended that petitioner was appointed after following the selection process for appointment as Panchayat Teacher. When the petitioner was appointed as per rules following the selection process, the petitioner was entitled to payment of salary but on one pretext or the other the respondents have not made any payment. Their action of non payment of salary is violative of Article 21 and 23 of the Constitution.

This writ petition was filed on 23.09.2015 after service



of two copies to the office of Advocate General. Unfortunately, no counter affidavit has been filed on behalf of the respondents.

Under the aforesaid circumstances, instead of keeping the writ petition pending, the same is disposed of with direction to the respondents to verify the record to ascertain whether the selection process was followed in the matter of appointment and if the petitioner figures in the merit list against the vacancy available and thereafter the petitioner has joined the post there is no reason to deny salary to the petitioner if the petitioner has actually worked as taking work and denying salary amounts to begari which is impermissible as well as violative of Article 21 and 23 of the Constitution.

The respondents are accordingly, directed to take appropriate decision with regard to payment of salary for the period the petitioner has actually worked.

Necessary decision in this regard may be taken by the respondents within a period of sixty 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)

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