

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2407 of 2013

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1. Satya Narayan Yadav S/O Late Rajeshwar Prasad Yadav
Resident Of Village- Khopaiti P.S. Madhepura, District-
Madhepura
2. Balram Prasad Yadav S/O Late Saroop Lal Yadav Resident Of
Village Chakla Laxmipur P.S. Madhepura, District- Madhepura
... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Education Department,
Government Of Bihar, Patna
2. The Joint Secretary, Education Department, Government Of Bihar, Patna
3. The District Education Officer, Madhepura
4. The District Programme Officer, Madhepura
5. The Block Education Officer, Madhepura
6. The Headmaster, Mahanth Khusar Middle School, Khopaity, Madhepura
... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mrs. Priyanka Singh, Advocate

For the Respondent/s : Ms. Divya Verma, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 03-08-2018

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 despite the fact that the
petitioners' appointment is legal and valid and they have been
working regularly in the school in question.

3. Mr. Yogesh Chandra Verma, learned senior counsel
appearing on behalf of the petitioners submits that taking work and
denying salary is violative of Articles 21 and 23 of the
Constitution. The respondents cannot practice Begari and exploit
the petitioners by taking work and denying salary.



4. The matter of payment of salary requires factual enquiry as to whether the appointment of the petitioners is legal and valid and they have actually worked for the period they are claiming salary.

5. In view of the above, the writ petition is disposed of with a direction to the District Programme Officer (Establishment) to verify the record and if it is found that the appointment of the petitioners is legal and valid and they have worked during the period they are claiming salary, ensure payment of salary – arrears as well as current – within a maximum period of four months from the date of receipt/production of a copy of this order.

6. It is made clear that if the payments are not made to the petitioners within the time frame of four months as indicated hereinabove, the arrears will carry interest at the rate of 9% per annum, which shall be borne by the officials of the Education Department.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2018
Transmission Date	

