

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20745 of 2013

-
1. DINESH KUMAR SINGH S/O LATE KAMAL SINGH
RESIDENT OF VILLAGE- PANAPUR DILAWARPUR, P.S-
BIDDUPUR, DISTRICT- VAISHALI, AT PRESENT WORKING
AS ROUTINE CLERK IN R.N. COLLEGE,HAJIPUR.
 2. ISHWAR CHANDRA ROY S/O LATE RAM BAHADUR ROY
RESIDENT OF MOHALLA- ANWARPUR GANDHI ASHRAM,
P.S- HAJIPUR TOWN, DISTRICT- VAISHALI AT PRESENT
WORKING AS ROUTINE CLERK IN R.N . COLLEGE,
HAJIPUR.
 3. SURESH PRASAD SINGH S/O SHRI BALESHWAR SINGH
RESIDENT OF VILLAGE AND P.O- DHAMDHUA, P.S-
JANDAHA, DISTRICT- VAISHALI, AT PRESENT WORKING
AS ROUTINE CLERK IN R.N. COLLEGE, HAJIPUR.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Principal Secretary, Human Resources
Development Department, Govt. Of Bihar, Patna.
2. Director, Higher Education, Govt. Of Bihar, Patna.
3. The Vice-Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
4. B.R. Ambedkar Bihar University, Muzaffarpur Through Its Registrar
5. The Finance Officer, B.R. Ambedkar Bihar University, Muzaffarpur.
6. The Principal, Raj Narain College, Hajipur, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nand Kumar Singh
For the Respondent/s : Mr. Shyam Kishor Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

- 3 16-08-2018 1. This case was listed for admission on different
dates earlier but unfortunately no one had appeared on behalf of



the petitioners. As a matter of last indulgence, case has been listed today and when the case was called out no one has appeared on behalf of the petitioners.

2. This writ petition was filed by the petitioners on 07.10.2013 with two advance copies to the respondents but even after lapse of more than four years no step was taken by the respondents to file counter affidavit. In view of the reluctance of the respondents, the Court is constrained to decide the matter on the basis of averments made in the writ petition.

3. The petitioners were appointed in Raj Narain College, Hajipur as non-teaching staff and they have been paid salary regularly upto May 2013. The salary of petitioners have not paid for the period June, 2013 to August 2013.

4. The matter of payment of salary requires factual inquiry whether the petitioners have actually worked or not and on verification of the record if it is found that they have worked, it shall be obligation of the University to make payment of salary to the petitioners for the period they claim to have worked. Taking work without payment of salary is a beggary which is prohibited under Article 23 of the Constitution of India.

5. Under the aforesaid circumstance, the respondents are directed to take appropriate decision on the claim of the



petitioners and ensure payment of salary- current as well as arrears- for the period petitioners have actually worked within a maximum period of three 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)

T.Kr./-

U			
---	--	--	--

