

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8049 of 2018

1. Shailesh Kumar, Son of Bishwanath Sharma, Resident of Village & P.O.- Andhari Sahar, P.S.- Sahar, District- Bhojpur, at present resident of Mohalla- Babu Bazar, Arrah, P.S.- Town Thana, District- Bhojpur.
2. Seema Kumari, Daughter of Sri Ramashray Singh, Resident of Mohalla- Anand Nagar, Shivganj, Ara, P.S.- Ara Town Thana, District- Bhojpur.
3. Sanjeev Kumar, Son of Sri Jagdish Narayan Srivastava, Resident of Village+P.O.- Hardiya Jagdishpur, P.S.- Jagdishpur, District- Bhojpur.
4. Rinku Kumari, Daughter of Sri Surendra Singh, Resident of Village+P.O.- Karw, Ara Mufassil, P.S.- Town Thana, District- Bhojpur.
5. Nikhil Kumar, Son of Sri Mithilesh Kumar Rai, Resident of Village+P.O.- Khangaw, Chandi, P.S.- Chandi, Koilwar, District- Bhojpur.
6. Tripurari Kumar, Son of Narendra Kumar Singh, Resident of Mohalla- Housing Colony, Ara, P.S.- Town Thana, District- Bhojpur.
7. Tripurari Kumar Singh, Son of Ramashray Singh, Resident of Mohalla- Anand Nagar, Shivganj, District- Bhojpur, Ara P.S.- Town Thana, District- Bhojpur.
8. Shashi Bhushan Kumar, Son of Sri Vishwanath Sharma, Resident of Village+P.O.- Andhari, P.S.- Sahar, District- Bhojpur.
9. Pramod Kumar Singh, Son of Sri Baban Singh, Resident of Village- Narayanpur, P.S.- Agiawn, District- Bhojpur.
10. Ribha Kumari, Daughter of Sri Sudarshan Pandey, Resident of Mohalla- Khangaw, Chandi Koilawar, P.S.- Chandi, District- Bhojpur.
11. Sabita Kumari, Daughter of Sri Yogendra Pandey, Resident of Village- Khangaw Chandi, Koilawar, P.S.- Chandi, District- Bhojpur.
12. Amalesh Kumar, Son of Sri Satendra Prasad Singh, Resident of Village- Khangawa Chandi, Koilawar, P.S.- Chandi, District- Bhojpur.
13. Shivani Rai, Daughter of Mithilesh Kumar Rai, Resident of Village +P.O.- Housing Colony, Ara, P.S.- Town Thana, District- Bhojpur.
14. Grijesh Kumar Singh, Son of Sri Satendra Prasad Singh, Resident of Village- Khangawa, Chandi, Koilawar, P.S.- Chandi, District- Bhojpur.
15. Ram Vinay Rai, Son of Ramadya Rai, Resident of Village- Jamuaw, Kushre Sandesh, P.S.- Sandesh, District- Bhojpur.
16. Mohan Kumar Singh, Son of Ramchandra Singh, Resident of Village- Jamuaw Kushre Sandesh, P.S.- Sandesh, District- Bhojpur.
17. Sobha Kumari, Daughter of Sri Rameshwar Prasad Singh, Resident of Hardia, P.O.- Gahrua, Tarari, P.S.- Tarari, District- Bhojpur.
18. Rajeev Ranjan Rai, Son of Sri Ram Bachan Rai, Resident of Village- Hardia, P.O.- Gahrua, Tarari, P.S.- Tarari, District- Bhojpur.
19. Rakesh Kumar, Son of Sri Surendra Singh, Resident of Village- Kandharpur, P.O.+P.S.- Sandesh, District- Bhojpur.
20. Pawan Kumar, Son of Sri Arun Kumar Singh, Resident of Village +P.O.- Painal, P.S.- Bihta, District- Patna.
21. Meera Kumari, Daughter of Kamakhya Narayan Singh, Resident of Village- Jamuaw Kusre, Sandesh, P.S.- Sandesh, District- Bhojpur.
22. Binod Kumar, Son of Sri Brinda Saw, Resident of Village +P.O.- Makhadumpur, Digha Ghat, P.S.- Digha Thana, Danapur, District- Patna.
23. Binod Kumar Yadav, Son of Sri Ram Kumar Yadav, Resident of Village +P.O.- Kulharia Koilwar, P.S.- Koilwar, District- Bhojpur.
24. Rajesh Kumar, Son of Sri Lakshmi Singh, Resident of Village +P.O.- Kulharia,



Koilwar, P.S.- Koilwar, District- Bhojpur.

25. Vijaya Nand Pandey, Son of Sri Gopal Pandey, Resident of Village +P.O.- Gorapa, Agiaon, P.S.- Agion, District- Bhojpur.

26. Priya Ranjan Kumar, Son of Sri Yogendra Prasad, Resident of Village +P.O.- Kulharia, Koilawar, P.S.- Koilwar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Primary Education Department, Government of Bihar, Patna.

2. The Director, Primary Education Department, Government of Bihar, Patna.

3. The Regional Deputy Director of Education, Bhojpur Division, Ara.

4. The District Magistrate, Bhojpur at Ara.

5. The District Education Officer, Bhojpur at Ara.

6. The District Programme Officer (Establishment), Bhojpur at Ara.

7. The Block Education Officer, Agiaon, Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Advocate

For the Respondent/s : Smt. Binita Singh, SC28

Mr. Nishant Kumar Jha, AC to SC 28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 02-05-2018

Heard learned counsel for the petitioners and State.

2. Learned counsel for the petitioners submits that the petitioners are aggrieved by the discriminatory attitude adopted by the respondents in the matter of payment of salary. He submits that similarly circumstanced others are being paid whereas the petitioners have not been paid salary for their no fault. He further submits that the action of the respondents is per se illegal and arbitrary and violative of Articles 14, 16, 21 and 300(A) of the Constitution of India.

3. In the matter of payment of salary, the respondent authorities are required to examine whether the appointment of the petitioners are legal and valid and whether the petitioners have



worked for the period they are claiming salary.

4. In view of the aforesaid, the writ application stands disposed of with a direction to the District Programme Officer (Establishment), Bhojpur to take final decision with regard to the entitlement of the petitioners for payment of salary after verification of the record and to ascertain whether the petitioners' appointment are legal and valid and they have been worked for the period they are claiming salary. The entire exercise with regard to the validity of the appointment and factual enquiry as to the period, the petitioners have worked, has to be completed by the respondents within a maximum period of 60 days from the date of receipt/production of a copy of this order and the respondents are required to ensure payment of all consequential benefits including the arrears as well as current salary within the time frame indicated hereinabove.

5. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2018
Transmission Date	

