

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5863 of 2018

=====

1. Tabassum Pravin, D/o Ishahak, R/o Village + P.O.- Paharpur Toi, P.S.-
Desari, Distt.- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary Education Department, New Secretariat, Patna.
2. The Director (Primary Education) Education Department, New Secretariat, Patna.
3. The District Education Officer, Vaishali.
4. The District Program Officer (Establishment), Vaishali.
5. The Block Development Officer, Block- Sahdae Buzurg, District- Vaishali.
6. The Block Education Officer, Block- Sahdae Buzurg, District- Vaishali.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. Madhaw Prasad Yadav –GP.23
Mr. Arvind Kumar, A.C. to G.P.23.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 20-04-2018 Heard the learned counsel for the petitioners and counsel
appearing on behalf of the State.

Learned counsel for the petitioner submitted that the petitioner is not getting salary. Taking work and denying salary is impermissible and violation of Article 21 and 23 of the Constitution of India.

In the matter of payment of salary, the concerned respondents, namely, the District Programme Officer (Establishment) Vaishali is required to verify the record whether



the appointment of petitioner is illegal and valid and whether petitioner has worked for the period petitioner has claimed salary. Enquiry in this regard is required to be done by the respondent District Programme Officer in view of the fact that the respondent District Programme Officer is custodian of relevant record.

In view of the aforesaid circumstances, this writ petition is disposed of with the direction of District Programme Officer, Vaishali at Hazipur, to examine the validity of the appointment of the petitioner and also to ascertain whether the petitioner has actually arbitrary for the period petitioner is claiming salary. In the event, the respondent District Programme officer (Establishment) Vaishali at Hazipur is satisfied that the petitioner's appointment is valid and has actually worked for the period petitioner is claiming salary, necessary order for payment of arrears and current salary shall be issued by the respondent no. 5 within a maximum period of 3 months from the date of receipt of a production of a copy of this order.

With the aforesaid direction, this writ petition is stand disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

U			
---	--	--	--

