

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1352 of 2018

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Surendra Kumar Mahto, Son of Late Nathu Mahto, Resident of Village-
Basopatti, Police Station- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, School Education, Government of Bihar, Patna.
3. The District Magistrate, District- Madhubani.
4. The District Superintendent of Education, District Programme Co-ordinator,
Bihar Education Project, Madhubani.
5. The Block Education Officer, Jainagar Block, District- Madhubani.
6. The Head Master, N. Primary School, Village- Uchaal, Panchayat- Jainagar
Basti, Block- Jainagar, District- Madhubani.
7. The Panchayat Secretary, Panchayat- Jainagar Basti, Block- Jainagar, District-
Madhubani.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1519 of 2018

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Md. Ekram, Son of Md. Taiyab, Resident of Village- Uttra Saharghat, Block-
Madhwapur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, School Education, Government of Bihar, Patna.
3. The District Magistrate, District- Madhubani.
4. The District Superintendent of Education, District Programme Co- ordinator,
Bihar Education Project, Madhubani.
5. The Block Education Officer, Jainagar Block, District- Madhubani.
6. The Head Master, N. Primary School, Village- Uchaal, Panchayat- Jainagar
Basti, Block- Jainagar, District- Madhubani.
7. The Panchayat Secretary, Panchayat- Jainagar Basti, Block- Jainagar, District-
Madhubani.
8. District Programme Officer(Establishment),Madhubani.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 1352 of 2018)

For the Petitioner/s : Mr. Mazharul Hassan

For the Respondent/s : Mr. SMT.BINITA SINGH -SC28

(In Civil Writ Jurisdiction Case No. 1519 of 2018)

For the Petitioner/s : Mr. Mazharul Hassan

For the Respondent/s : Mr. S.C. MISHRA- SC16



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 09-03-2018 Counsel for the petitioners is permitted to add District Programme Officer(Establishment),Madhubani as party respondent no.8.

Heard learned counsel for the petitioners and the counsel appearing on behalf of the State.

The present writ applications have been filed by the petitioners for a direction to the respondents to pay salary to the petitioners which was denied to the petitioners despite the valid appointment on 16.8.2010.

The issue of payment of salary requires enquiry as to the legality and validity of appointment and also factual enquiry whether the petitioners have worked during the period the petitioners are claiming salary.

These two factual enquiry is to be done by the respondents on verification of the relevant records which is lying with the respondents.

In view of the above, the respondents are required to take final decision with regard to entitlement of the petitioners for payment of arrears and current salary after verification of the relevant record and on satisfaction that the appointment of the petitioners is legal and valid and the petitioners have discharged



duty regularly.

The entire exercise in this regard must be taken by the respondent no.8 after verification of the relevant record within a maximum period of sixty days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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