

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9327 of 2015

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Puspa Kumari daughter of late Brij Nandan Rajak, resdient of village & P.O.-
Simaura, P.S. Tikari, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, New
Secretariate, Patna.
3. The District Magistrate, Gaya.
4. The District Karyakram Padadhikari, Gaya.
5. The District Superintendent of Education, Gaya.
6. Block Development Officer, Tikari, District- Gaya.
7. Block Education Officer, Tikari, District- Gaya.
8. Mukhiya Gram Panchayat, Simaura, Block Tikari, District- Gaya.
9. Panchayat Secretary, Gram Panchayat Simaura, Block- Tikari, District- Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9338 of 2015

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Pratima Kumari, wife of Rajesh Kumar, resdient of village- and P.O.-
Simuara, P.S. Tekari, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, New
Secretariate, Patna.
3. The District Magistrate, Gaya.
4. The District Karyakaram Padadhikari, Gaya.
5. The District Superintendent of Education, Gaya.
6. Block development Officer, Tikari, District- Gaya.
7. Block Education Officer, Tikari, District- Gaya.
8. Mukhiya Gram Panchayat Simaura, Block- Tikari, District- Gaya.
9. Panchayat Secretary, Gram Panchayat Simuara, Block Tikari, District- Gaya.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 9327 of 2015)

For the Petitioner/s : Mr. Raj Nandan Prasad, Advocate

For the Respondent/s : Mr. Ramvijay Singh, AC to SC-23

(In Civil Writ Jurisdiction Case No. 9338 of 2015)

For the Petitioner/s : Mr. Raj Nandan Prasad, Advocate

For the Respondent/s : Mr. Ramvijay Singh, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY



ORAL ORDER

2 29-11-2018 Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

These writ petitions were filed by the petitioners for issuance of direction to the respondents to make payment of salary since 7.2.2006.

Learned counsel for the petitioners submits that petitioners were appointed as Shiksha Mitra and by virtue of come into force as Panchayat Sikshak Niyojan Rules on 1.7.2006, they became Panchayat Shikshak. They are regularly working for the last 12 years as Panchayat Sikshak, but they have not been paid salary.

On behalf of respondents No. 4 and 5 stand has been taken in the counter affidavit that B.D.O. had issued letter No. 22.08.2006 and the service of the petitioners and others have been terminated vide order dated 6.9.2006. The order of termination was cancelled by the Panchayat Secretary on 10.10.2006.

In the aforesaid backdrop of the fact the writ petition is disposed of with a direction the District Programme Officer, to verify the record and if it is found that the appointment of the petitioners as Panchayat Sikshak is legal and valid and if the petitioners have worked as Panchayat Sikshak by virtue of



operation of 2006 rules they should be paid salary for the period petitioners have actually worked. Since the aforesaid aspects require factual inquiry, the Court without entering into the merits of the case, directs the D.P.O. to verify the record and ascertain about the validity of the appointment of the petitioners and continuation of the petitioners. In the event respondent D.P.O. arrived at a finding that the appointment of the petitioners is valid and petitioners have actually worked, petitioners should be paid salary for the period petitioners have actually worked.

Necessary decision with regard to the payment of salary for the period petitioners have actually worked and current salary may be taken by the respondent at the earliest preferably within a period of four months from the date of receipt/ production of a copy of this order.

With the aforesaid the writ petitions stand disposed of.

(Anil Kumar Upadhyay, J)

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