

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22977 of 2012

Vishundeo Prasad Yadav Son Of Agnilal Yadav Assistant Teacher, Primary School, Gorhoghat, Anchal - Mahishi, District - Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Human Resources Development, Government Of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Saharsa
4. The District Education Officer, Saharsa
5. The District Superintendent Of Education-Cum-District Programme Officer (Establishment), Saharsa
6. The Area Education Officer, Simri Bakhtiyarpur, District - Saharsa
7. The Block Education Officer, Mahishi, District - Saharsa
8. The Headmaster-Cum-Drawing & Disbursing Officer, Maa Ugra Tara Middle School, Mahishi, Anchal - Mahishi, District - Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mr. Anuj Kumar, A.C. to G.P.-24

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-08-2018 1. Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. The grievance of the petitioner in the writ petition is that the respondents have committed error in the matter of posting of the petitioner. He submits that the petitioner was under suspension and his suspension was revoked vide Annexure-3, dated 31st March, 2000. Learned counsel submits that after revocation of suspension petitioner is regularly working but they have not paid salary on the ground that two teachers have been posted against one post.

3. The respondents cannot take plea of posting of two



teachers against one post, if the respondents have committed error in posting the petitioner as additional teacher in the school in question, the same cannot be a ground to deny salary to the petitioner as taking work and denying salary is violation of Article 21 and 23 of the Constitution. The State officials cannot practice Begari.

4. In view of the above, the writ petition is allowed with a direction to the District Programme Officer (Establishment) Saharsa to pay entire payment of arrears to this petitioner within a maximum period of four months from the date of receipt/production of a copy of this order.

5. The respondents have to work out the entire payment of salary to the petitioner by taking recourse to adjustment of the petitioner against any other vacancies in the district concerned. The entire exercise must be completed by the respondent- District Programme Officer (Establishment), Saharsa within a period of four months as indicated above.

With the aforesaid, writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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