

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5518 of 2018

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Pratima Kumari, w/o Vinay Kumar, r/o vill - Begampur, PO - Nalanda, P.S. - Nalanda, Distt. Nalanda, at present Asst. Teacher, Primary School, Fatha, PS - Warsaliganj, Distt - Nawada. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The Director, Education Department, Govt. of Bihar, Patna.
4. The Addl. Director, Education Department, Govt. of Bihar, Patna.
5. The District Magistrate cum Collector, Nawada at Nawada.
6. The District Education Officer, Nawada at Nawada.
7. The District Programme Officer (Estb.), Nawada.
8. The Block Development Officer, Warsaliganj Block, Warsaliganj, Nawada.
9. The Block Education Officer, Warsaliganj, Block Warsaliganj, Nawada.
10. The Mukhiya, Gram Panchayat Raj, Mohiuddin Nagar, Gram Panchayat, Mohiuddin Nagar, Nawada cum Chairman Selection Unit Panchayat Teacher, Mohiuddin Nagar Gram Panchayat, Block Warsaliganj, Distt - Nawada.
11. The Secretary, Gram Panchayat Raj Mohiuddin Nagar Gram Panchayat Mohiuddin Nagar, Block Warsaliganj, Distt. Nawada. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Respondent/s : Mr. Apurv Harsh, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-05-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. The present application involves the issue of payment of salary.

3. Petitioner's claim to be validly appointed as Teacher and regularly working.

4. In the matter of payment of salary, the respondents are required to inquire into the factual issue whether



the appointment of the petitioner is valid and whether the petitioner has actually worked for the period, he is claiming for payment of salary. Both the factual aspect of enquiry is to be done by the respondents as they are the custodian of the relevant record, as the validity of the appointment and the issue whether the petitioner has actually worked for the period, petitioner is claiming salary.

5. In view of the above, the writ application is disposed of with a direction to the respondent District Programme Officer (Establishment) Nawada to verify the record and if it is found that on verification of the record that appointment of the petitioner is genuine and petitioner has actually worked for the period, he is claiming salary, the respondent District Programme Officer (Establishment), Nawada is required to ensure payment of arrears of salary as well as current salary.

6. Entire exercise in this regard must be completed by the respondent within a maximum period of sixty days from the date of receipt/production of a copy of this order.

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

(Anil Kumar Upadhyay, J)

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