

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15083 of 2016

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Ajay Kumar Pandey son of Late Gena Pandey Resident of Nand Tola, P.O.-
Ram Pasauna, P.S.-Lauria, District-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Education Department , Bihar, Patna
2. The District Magistrate, West Champaran at Bettiah
3. The District Education Officer, West Champaran
4. The Authorised Officer West Champaran
5. The Block Education Officer, Lauria, District-West Champaran
6. The Mukhiah, Lakah Sisai Panchayat, District-West Champaran
7. The District Programme Officer, West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
		Mrs. Rashmi Jha, Advocate
For the Respondent/s	:	Mr. Narendra Kumar, AC to GP20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 12-03-2018

Learned counsel for the petitioner is permitted to add the

District Programme Officer, West Champaran as respondent No. 7

in the course of the day.

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

3. The present writ petition has been filed by the
petitioner after service of two advance copies to the office of the
Advocate General on 5.9.2016 but neither the grievance of the
petitioner has been redressed nor the counter affidavit on behalf of
the respondents has been filed.



4. The grievance of the petitioner is that he is working as Panchayat Teacher in Primary School Nankar in Lakah Sisai Panchayat, District-West Champaran but despite valid appointment and regular discharge of duty as Panchayat Teacher, he is not getting salary since April, 2010.

5. The apathy of the respondents in the present case is that neither the petitioner's grievance has been redressed nor the respondents have chosen to file counter affidavit to assist the Court for final disposal of the writ petition.

6. As per the averments made in the writ petition, the appointment of the petitioner is legal and valid and he has been regularly discharging his duty as Panchayat Teacher. In the matter of payment of salary the court is supposed to only examine the validity of the appointment of the incumbent and the fact whether the incumbent has worked or not for the period in question. However, in the absence of counter affidavit of the respondent, the court is not in a position to authoritatively decide the issue as to the validity of appointment or the claim that the petitioner has worked as Panchayat Teacher for the period April, 2010 onwards.

7. Under the aforesaid circumstances, the court is constrained to direct the respondent-District Programme Officer, Respondent No. 7 to verify the record and in case it is found that



the petitioner’s appointment is legal and valid and the petitioner has worked for the period in question, necessary order for payment of salary, arrears as well as current, may be issued by the respondent No. 7 the District Programme Officer (Establishment) within a period of 60 days from the date of receipt/production of a copy of this order.

8. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.03.2018
Transmission Date	

