

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13767 of 2015**

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Rajkishore Prasad Son of Late Sarveshwar Prasad R/v - Dhanama, P.S.  
Chandradeep, District - Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary H.R.D., Bihar, Patna
3. The Director, Primary Education Bihar, Patna
4. The District Magistrate, Jamui
5. The District Education officer, Jamui
6. The District Programme Officer, Jamui
7. The Block Development officer, Islamnagar, Aliganj, Distt. - Jamui
8. The Block Education officer, Islamnagar, Aliganj, Distt. - Jamui
9. The Head - Master Navin Primary ( Utkramit Middle ) School Rooppokhar,  
Dhanama, Block - Islamnagar Aliganj, District - Jamui

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate  
For the Respondent/s : Mr. Gp24- Anshuman Singh

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

5      06-12-2018                      Heard learned counsel for the parties.

Learned counsel appearing on behalf of the respondents No.8 and 9 referring to the Supplementary counter affidavit contends that Rs.91,620 ( Rupees Ninety one thousand six hundred and twenty) paid to the petitioner for the period May 2016 to December 2016 and matter for payment of remaining salary of the petitioner from period 21.12.2015 to April 2016 remitted to the D.P.O. (Establishment) Jamui for allotment of fund.

If the respondents admit that salary for the period 21.12.2015 to April 2016 is admissible and payable to the



petitioner then it is solemn duty of the respondents to ensure payment as taking work and denying salary is impermissible and violation of Article 23 of the Constitution.

Accordingly, the writ petition is disposed of with a direction to the respondents to ensure payment of salary for the period from 21.12.2015 to April 2016 within a maximum period of 60 days from the date of receipt/production of a copy of this order. Failing which the arrears will carry interest at the rate of 9 per cent per annum from April 2016 to the date of actual payment and the same shall be borne out from the pocket of the officials of the Education Department who are responsible for delay in allotment of the fund.

With the aforesaid the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

T.Kr./-

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