

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.246 of 2018

1. Kanchan Kumari, Daughter of Sri Lal Bahadur Singh and Wife of Rajesh Kumar Singh, Resident of Village- Mohanpur, P.S.- Laxmipur, District- Jamui.
2. Nand Kishore Ravidas, Son of Late Kishun Ravidas, Resident of Village- Karra, P.S.- Laxmipur, District- Jamui.
3. Sarita Kumari, Daughter of Baijnath Ravidas and Wife of Rabindra Kumar Das, Resident of Village- Mohanpur, P.S.- Laxmipur, District- Jamui. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Bihar, Patna.
2. The Regional Deputy Director of Education, Munger.
3. The District Magistrate, Jamui.
4. The District Education Officer, Jamui.
5. The District Programme Officer (Education Establishment) Jamui.
6. The District Programme Officer (Primary Education) Jamui.
7. The Block Education Officer, Laxmipur, District- Jamui.

... .. Respondent/s

with

Miscellaneous Jurisdiction Case No. 1202 of 2018

In

Civil Writ Jurisdiction Case No.246 of 2018

1. Kanchan Kumari Daughter of Sri Lal Bahadur Singh and Wife of Rajesh Kumar Singh, Resident of Village- Mohanpur, P.S.- Laxmipur, District- Jamui.
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3. Sarita Kumari, Daughter of Baijnath Ravidas and Wife of Rabindra Kumar Das, Resident of Village- Mohanpur, P.S.- Laxmipur, District- Jamui. Petitioner/s

Versus

1. The State of Bihar
2. Sri Kaushal Kishore, The District Magistrate, Jamui.
3. Sri Ranjit Paswan, The District Programme Officer (Education Establishment) Jamui. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 246 of 2018)

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Advocate
Mr. Bharat Lal, Advocate

For the State : Mr. Prabhakar Jha- Gp27
: Mr. Shankar Kumar Thakur, AC to GP 27

(In Miscellaneous Jurisdiction Case No. 1202 of 2018)

For the Petitioner/s : Mr. Bharat Lal, Advocate

For the Respondent/s : Mr. Smt. Shilpa Singh - Ga 12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT



Date : 06-12-2018

Learned senior counsel appearing for the petitioners submits that having been appointed as Panchayat Teachers in the year 2010 they continued till April, 2017. From the Month of May, 2017 their salary has arbitrarily been stopped without issuing any order in respect thereof.

The stoppage of salary is not denied or disputed by the respondent State nor is there any averment in the counter affidavit that there is any decision for stoppage of salary of the petitioners. A ground has been taken that the petitioners' degrees of integrated course from Central Board of Higher Education, New Delhi (for brevity CBHE) are not recognized in view of the letter dated 22.12.2014 issued by the Principal Secretary and as such the very appointment of the petitioners as Panchayat Teacher is bad. The petitioners have alternative statutory remedy before the District Appellate Authority.

The objection regarding maintainability of the instant writ petition due to availability of statutory alternative remedy is being noted only to be rejected. There is no order stopping salary of the petitioners which can be challenged before the District Appellate Authority. Apart from that there is nothing in the counter affidavit to show that prior to withholding of such salary/stoppage of salary with effect from May, 2017 the



petitioners were ever afforded any opportunity of being heard in the matter.

It is trite law that when an order is violative of the principles of natural justice, plea of alternative remedy would not be a bar to exercise of jurisdiction under Article 226 of the Constitution of India in such matter. Regarding the other reason assigned by the respondent State that petitioners' degree from CBHE is not a recognized degree in light of the letter dated 22.12.2014, this Court would observe that whether the petitioners degree obtained in 2010 on basis of which petitioners have been appointed as Panchayat Teacher was recognized or not is an issue which was required to be looked into by the authority before inflicting such harsh penal consequence. Admittedly this has not been done.

This Court would thus hold that petitioners cannot be subjected to such withholding of salary and that respondent authority should ensure payment of their salary and grant of salary expeditiously and preferably within a period of four months from the date of receipt/production of a copy of this order.

This order does not preclude the respondents from proceeding against the petitioners in accordance with law and



after due opportunity to the petitioners.

Writ petition is allowed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

