

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19324 of 2017

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Diwesh Kumar, S/o Late Siyasharan Singh, R/o- Hasapur, P.S.- Narhat,
District- Nawada, at present posted as Asst. Teacher Primary School,
Ramgarh, Balokhar, P.S. Narhat, District- 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 (Establishment), Nawada.
8. The Block Development Officer, Nawada Block, Nawada.
9. The Block Education Officer, Nawada, Block, Nawada, District Nawada.
10. The Mukhiya, Gram Panchayat Raj, Sonsihari Gram Panchayat, Sonsihari, Nawada cum Chairman Selection Unit Panchayat Teacher, Sonsihari Gram Panchayat, Block Nawada, District- Nawada.
11. The Secretary, Gram Panchayat Raj Sonsihari Gram Sonsihari, Block Nawada, District Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha
For the Respondent/s : Mr. Amit Bhushan- Gp17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-01-2018 Learned counsel for the petitioner is permitted to make necessary correction in the pleading during the course of the day.

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

Mr. Amresh Kumar Sinha, counsel appearing on behalf of the petitioner submits that the petitioner was paid salary up to February, 2017 and thereafter without any justification



payment of salary was suddenly stopped.

If the petitioner's appointment is valid and he is discharging the duty, it is solemn responsibility to the respondents to make payment of salary as taking work and denying the payment is begaari and prohibited under Article 23 of the Constitution.

Instead of keeping the matter pending on such issue, the writ petition is disposed of with direction to respondent no.7 the District Programme Officer (Estb.), Nawada who shall examine the record and if it is found that the petitioner's appointment is legal and valid and petitioner has discharged the duty, he is required to ensure payment of salary for the period the petitioner has worked.

The respondent no.7 is required to take such decision within a period of sixty days from the date of receipt/production of a copy of this order and ensure payment of monetary benefit, if the petitioner's appointment is valid and the petitioner has worked.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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