

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1056 of 2018

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1. Om Prakash Kumar, aged about 40 years, Son of Suresh Ram, Village- Rampur, P.O. Patiyama, P.S. Sakurabad District- Jehanabad.
 2. Urmila Kumari, age about 40 years, W/o Mahadev Pasawan, Danapur, P.O. Pariyari, P.S. Paliganj, District at Patna.
 3. Vimila Kumari, aged about 32 years, W/o Balmukund Kumar, Village Dharmpur, P.O. Gaygan, P.S. Sakurabad, District- Jehanabad.

.... Petitioner/s

Versus

1. The Secretary, Department of Education Bihar Patna.
2. The District Education Officers, Jehanabad.
3. The District Primary Education Officer, Jehanabad.
4. The Panchyat Secretary, Gram Panchayat Narayanpur District at Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Dayal, advocate

For the Respondent/s : Mr. Kumar Kamal Nayan, AC to SC28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 20-04-2018

Heard learned counsel for the petitioners and State.

2. The grievance of the petitioners is non-payment of salary, despite the petitioners are regular discharging their duties.

3. It appears from the pleadings that there is some dispute with regard to educational certificate and on that ground petitioners have been denied salary. Taking work and denying payment of salary is beggary, the respondents cannot exploit the petitioners on account of poor bargaining power, if there is allegation of fake certificate then they are required to enquire into the matter and take final decision.

4. Learned counsel for the petitioners submits that the issue with regard to illegality and validity of the certificate was



considered by the District Teachers Appellate Authority, yet the respondents are not making payment of salary.

5. In view of the above circumstance, the respondents are directed to take final decision with regard to the claim of the petitioners for arrears and current salary and ensure payment of the same within a maximum period of 60 days from the date of receipt/production of a copy of this order.

6. In the event, they have any reasonable justification for refusal of payment of salary, the respondents are obliged to assign cogent reason, particularly, in the light of the findings of the District Teachers Appellate Authority.

7. In the event, there is nothing adverse, the respondents have to ensure payment of arrears and current salary, failing which the District Education Officer, Jehanabad is required to make payment of interest on the arrears of salary at the rate of 9 per cent per annum from the date of stoppage of salary till the date of payment of salary.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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