

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3652 of 2018

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Deepak Kumar Singh, Son of Sri Daya Shankar Singh, Resident of Village-
Belahi, P.O.- Bhawarajpur, P.A. Aandar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The District Programme Officer, Siwan.
5. The Block Development Officer, Aandar, Siwan.
6. The Block Education Extension Officer, Baliya, Siwan.
7. The Head Master Government Middle School, Madheshilapur, Aandar, Siwan.
8. The Head Master, Government Middle School, Salahpur, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Respondent/s : Mr. MADANJIT KUMAR- GP20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 30-03-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner has filed the present writ application for a
direction to the respondents to make payment of salary.

The learned counsel for the petitioner submits that the
petitioner was appointed and accordingly, he joined the service
on the Post of Prakhand Teacher at Government Middle School,
Madheshilapur, Siwan and later on, he has been posted at
Government Middle School, Salahpur, but till date no payment
has been made to the petitioner from the date of his joining.
Learned counsel for the petitioner further submits that denial of



payment of salary to the petitioner is impermissible under Article 23 of the Constitution of India.

Considering the peculiar facts of the case, the writ application is disposed of with a direction to the Respondent No. 4, District Programme Officer, Siwan, who shall examine the claim of the petitioner and if it is found that the appointment of the petitioner was legal and valid, the petitioner has actually worked, the Respondent No. 4 will see that the petitioner is paid salary. This direction has been issued in view of the fact that the payment of salary requires factual inquiry as to the validity of the appointment and the fact whether the petitioner has worked for the period the petitioner is claiming salary. Both the factual aspects can only be examined by the Respondent No. 4 as he is custodian of the relevant papers.

In view of the above, the Respondent No. 4 is directed to make an inquiry and pass the final order with regard to the claim of the petitioner for the salary within a maximum period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition is disposed of.

(Anil Kumar Upadhyay, J)

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