

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7384 of 2018

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1. Narendra Kumar Singh, Son of Hira Singh, Resident of Village-Jagirha, P.S.-Sidhwaliya, District-Gopalganj.
 2. Arun Kumar, Son of Radhakant Pandey, Resident of Village-Sarfara, P.S.-Barauli, District-Gopalganj.
 3. Anu Kumari, Wife of Chandan Kumar, Resident of Village-Dharmpur, P.S.-Gopalpur, District-Gopalganj.
 4. Anjani Sah, Son of Satyanarayan Sah, Resident of Village-Bagheji, P.S.-Barauli, District-Gopalganj.
 5. Arti Kumari, Wife of Anuj Kumar Singh, Resident of Village-Dumariya, P.S.-Manjha, District-Gopalganj.
 6. Ramta Prasad, Son of Brahmdeo Prasad, Resident of Village-Kushahar, P.S.-Mohammadpur, District-Gopalganj.
 7. Ajay Kumar Singh, Son of Sri Prabhunath Singh, Resident of Village-Pakari, P.S.-Mahammadpur, District-Gopalganj.
 8. Ajaj Hussain, Son of Hifajat Hussain, Resident of Village-Indarwa Abadullah, P.S.-Gopalganj, District-Gopalganj.
 9. Ranjita Singh, Daughter of Shambhu Ray, Resident of Village-Jagdishpur, P.S.-Vijaypur, District-Gopalganj.
 10. Suman Singh, Wife of Rahul Kumar, Resident of Village-Jagdishpur, P.S.-Vijaypur, District-Gopalganj.
 11. Gaytri Devi, Wife of Ramjit Pandey, Resident of Village-Begara, P.S.-Baikunthpur, District-Gopalganj.
 12. Rakesh Kumar, Son of Dwarika Nath Tiwari, Resident of Village-Pipara, P.S.-Goriyakothi, District-Siwan.
 13. Priyanka Kumari, Wife of Bidya Prasad, Resident of Village-Musehari, P.S. Zamo. District-Siwan.
 14. Saroj Kumari, Wife of Vijay Kumar Tiwari, Resident of Village-Piyarepur, P.S.-Barauli, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Dept. of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.
6. The Block Education Officer Hathua, Gopalganj.
7. The Block Education Officer Barauli, Gopalganj.
8. The Block Education Officer Baikunthpur, Gopalganj.
9. The Block Education Officer Kuchaikot, Gopalganj.
10. The Block Education Officer Thawe, Gopalganj.
11. The Block Education Officer Manjha, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satyam Shivam Sundaram, Advocate
For the Respondent/s : Mr. Thankar Kr. Thakur, AC to GP 27



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-05-2018 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Earlier vide Annexure-7, the District Programme Officer, Establishment has issued direction to the Employment Unit, whereby direction was issued not to take work and it was indicated that it shall be responsibility of the Block Education Officer and the Headmaster to ensure compliance of letter no. 12551 dated 31.5.2016. Subsequently, vide Annexure-9 dated 3.12.2017 the said letter dated 31.5.2016 was cancelled.

Learned counsel for the petitioners submits that in view of the Annexure-9, the respondents are now required to take final decision with regard to the continuity of the services of the petitioners and payment of salary.

In view of Annexure-9 the Court directs the District Programme Officer to take final decision with regard to entitlement of the petitioners for continuity in service and payment of salary within a maximum period of 60 days from the date of receipt/production of a copy of this order.

The respondents cannot keep the matter pending for months together notwithstanding the earlier letter dated 31.5.2016, which has been subsequently cancelled vide



Annexure-9.

It is needless to state here that the principle of 'no work no pay' would only apply in a case where the party has voluntarily not worked and not in a case where they are restrained from discharging the responsibility.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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