

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5923 of 2018

1. Shambhu Kumar Pal and Ors Son of Shri Sudarshan Pal, Resident of Village Post Office- Berath, Police Station- Chauri, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Upgraded Middle School Yoga Khairacha, Block- Agiaon, District- Bhojpur.
2. Sangeeta Kumari, Daughter of Lalan Prasad, Resident of Village- Chaita English, Post Office- Siyawak, Police Station- Siyawak, District- Rohtas, at present posted and working as Prakhand Teacher in Govt. Upgraded Middle School Laharpa, Block- Agiaon, District- Bhojpur.
3. Manorma Kumari, Daughter of Lalan Prasad, Resident of Village- Chaita English, Post Office- Siyawak, Police Station- Sanjhauli, District- Rohtas, at present posted and working as Prakhand Teacher in Govt. Upgraded Middle School Yoga Khairacha, Block- Agiaon, District- Bhojpur.
4. Sunita Kumari, Daughter of Chandeshwar Singh, Resident of Village- Kharaiha, Post Office Police Station- Agiaon, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Kanya Middle School Pawna, Block- Agiaon, District- Bhojpur.
5. Aditya Raj Singh, Son of Yogendra Singh, Resident of Village- Kharaiha, Post Office Police Station- Agiaon, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Middle School Khanet, Block- Agiaon, District- Bhojpur.
6. Ajay Singh, Son of Yogendra Singh, Resident of Village- Kharaiha, Post Office Police Station- Agiaon, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Upgraded Middle School Situhari, Block- Agiaon, District- Bhojpur.
7. Prem Prakash Vishwakarma, Son of Suresh Vishwakarma, Resident of Village- Dhobha, Post Office- Pawar, Police Station- Pawna, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Middle School Kherhi, Block- Agiaon, District- Bhojpur.
8. Santu Sharma, Son of Vishwanath Sharma, Resident of Village- Nonadih, Post Office- Panwari, Police Station- Sikrahta, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Middle School Maranpur, Block- Agion, District- Bhojpur.
9. Ranju Kumari, Daughter of Sipahi Pal, Resident of Village- Chilha, Post Office- Bad, Police Station- Gorari, District- Rohtas, at present posted and working as Prakhand Teacher in Govt. Middle School Kheri, Block- Agiaon, District- Bhojpur.
10. Chandan Kumar, Son of Chandeshwar Singh, Resident of Village- Sundarpur, Post Office- Kori, Police Station- Sandesh, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Middle School Baghi, Block- Agiaon, District- Bhojpur.
11. Pankaj Kumar, Son of Surendra Nath Ray, Resident of Mohalla- Garju Ka Bagicha, Post Office Police Station- Nawada Ara, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Middle School Khanet, Block- Agiaon, District- Bhojpur.



12. Jagesh Kumar, Son of Ganesh Singh, Resident of Village- Bhopauli, Post Office- Sonpura, Police Station- Udwantnagar, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Middle School Pawar, Block- Agiaon, District- Bhojpur.
13. Archana Kumari, Wife of Umesh Kumar, Resident of Village Post Office- Jogta, Police Station- Chandi, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Urdu Middle School Ajimabad, Block- Agiaon, District- Bhojpur.
14. Rinki Kumari, Daughter of Shri Bigan Chaudhary, Resident of Village Post Office- Barka Gaon, Police Station- Tarari, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Middle School Banauli, Block- Agiaon, District- Bhojpur.
15. Sarvjeet Singh, Son of Shri Santosh Singh, Resident of Village Post Office- Katkaira, Police Station- Koilwar, District- Bhojpur, at present posted and working as Prakhand Teacher in Govt. Middle School Baghi, Block- Agiaon, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The District Magistrate, Bhojpur.
5. The District Programme Officer Establishment Education, Bhojpur.
6. The Prakhand Pramukh-cum- Chairman of Block Teachers Selection Committee, Agiaon, District- Bhojpur
7. The Block Development Officer-cum- Member Secretary, Block Teachers Selection Committee, Agiaon, Di
8. The Block Education Officer, Agiaon, Block- Agiaon, District- Bhojpur.
9. The Headmaster, Govt. Upgraded Middle School Yoga Khairacha, Block- Agiaon, District- Bhojpur.
10. The Headmaster, Govt. Upgraded Middle School Laharpa, Block- Agiaon, District- Bhojpur.
11. The Headmaster, Govt. Kanya Middle School Pawna, Block- Agiaon, District- Bhojpur.
12. The Headmaster, Govt. Middle School Khanet, Block- Agiaon, District- Bhojpur.
13. The Headmaster, Govt. Upgraded Middle School Situhari, Block- Agiaon, District- Bhojpur.
14. The Headmaster, Govt. Middle School Kherhi, Block- Agiaon, District- Bhojpur.
15. The Headmaster, Govt. Middle School Maranpur, Block- Agiaon, District- Bhojpur.
16. The Headmaster, Govt. Middle School Baghi, Block- Agiaon, District-



Bhojpur.

17. The Headmaster, Govt. Middle School Pawar, Block- Agiaon, District- Bhojpur.
18. The Headmaster, Govt. Urdu Middle School Ajimabad, Block- Agiaon, District- Bhojpur.
19. The Headmaster, Govt. Middle School Banauli, Block- Agiaon, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. M.P. Yadav, G.P. 23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-07-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners are aggrieved by non-payment of salary.

Learned counsel for the petitioners would submit that the petitioners are regularly working since 05.01.2011 but unfortunately, the respondents have not paid salary to the petitioners. If the petitioners have been legally and validly appointed and they are working regularly, they are entitled to payment of salary as taking work and denying salary is Beggary and violative of Article 23 of the Constitution.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Programme Officer (Establishment) Bhojpur at Ara to examine the record as to legality and validity of appointment and also the fact that the



petitioners are actually working. If on verification of record it is found that the petitioners have been legally and validly appointed and they have worked, the respondent District Programme Officer (Establishment) is under obligation to ensure payment of salary – arrears as well as current – to the petitioners. Necessary decision in this regard must be taken within a maximum period of 60 days from the date of receipt/production of a copy of this order.

Any delay in making payment of salary beyond the period as indicated hereinabove, will carry interest at the rate of 9% which shall be borne from the pocket of the District Programme Officer (Establishment) Bhojpur at Ara.

So far as the other grievance of the petitioners is concerned, liberty shall be available to the petitioners to approach the Respondent No. 3 including District Programme Officer (Establishment) Bhojpur at Ara for redressal of their grievance. In case if representation is filed before the District Programme Officer (Establishment) Bhojpur at Ara, he shall pass appropriate order on the claim of the petitioners at the earliest, preferably within a maximum period of 60 days from



the date of filing representation.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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