

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2536 of 2019

Sanjay Kumar, Son of Ram Prasad Singh, Resident of Village- Deokuli,
P.O./Police Station- Darra, at Karpi, District- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Education Officer, Arwal
3. The District Programme Officer, Arwal
4. The District Magistrate, Arwal
5. The Block Education Officer, Karpi, Arwal
6. The Head Master, Primary School, Pachchu Bigha, at Karpi, District- Arwal

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate
For the Respondent/s : Mr.AC to SC 28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 27-08-2019 Heard learned counsel for the petitioner and the

State.

The grievance of the petitioner in the present writ petition is non-payment of salary after valid appointment of the petitioner pursuant to the direction of the District Teachers Employment Appellate Authority.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has been regularly working and despite direction of the competent authority the payment has not been made till date.

Learned counsel for the respondents has placed reliance on the decision of this Court in CWJC No. 7271 of 2009 wherein by order dated 1.7.2009 this Court has occasion to decide the issue of jurisdiction of the District Teachers



Employment Appellate Authority for appointment and the Court has held out that Tribunal cannot issue direction for appointment. However, the Court observed that the competent authority empowered to make such appointment shall consider the matter afresh. In other words, the Court modified the order of the Tribunal to the extent that instead of issuing direction for appointment, the District Teachers Employment Appellate authority is competent to issue direction for consideration of the claim for appointment.

Since in the instant case appointment has been made and the petitioner has been allowed to function as Panchayat Shikshak, the Court in the peculiar facts and circumstances, is of the view that taking work and denying salary amounts to violation of Article 23 of the Constitution and as such, the writ petition is allowed.

The respondents are directed to examine the record and pass necessary order with regard to actual period of work of the petitioner and payment of salary for the period he has actually worked.

(Anil Kumar Upadhyay, J)

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