

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8113 of 2017

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1. Mina Kumari D/o Sri Sahdev Prasad Yadav, Resident of Village-Mohaddi Nagar (Gopalpur), P.s. Amarpur, District Banka, presently posted as Panchayat Teacher in Primary School Kiranpur, Block Sahkund, District-Bhagalpur.
 2. Manisha Kumari D/o Jitendra Prasad Nayak, resident of Village Marufachak, Post Mirjanhat, P.S. Mujahidpur, District-Bhagalpur, presently posted as Panchayat Teacher in Primary School Manjhi Tola, Block-Sahkund, District-Bhagalpur.
 3. Rambalak Kumar son of Sri Devendra Prasad Yadav, Resident of village Jhajha, Post Barsabad, P.S. Phuli Dubhar, District Banka, presently posted as Panchayat Teacher Primary School Shivrampur, Block Sahkund, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, H.R.D., Patna, Bihar.
3. The District Magistrate, Bhagalpur.
4. The District Education Officer, Bhagalpur.
5. The District Programme Officer (Establishment), District-Bhagalpur.
6. The Block Education Officer, Block Sakhund, District-Bhagalpur.
7. The Block Development Officer, Block Sahkund, District Bhagalpur.
8. The Panchayat Secretary, Gram Panchayat Raj Amba, Block-Sahkund, District Bhagalpur.
9. The Panchayat Secretary, Gram Panchayat Raj Kasawan Serahi, Block Sahkund, District Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey
For the Respondent/s : Mr. A.R. Pandey- Aag15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 25-07-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The grievance of the petitioners are non payment of
salary.

Learned counsel appearing on behalf of petitioners
submits that the salary was stopped by the respondents and



thereafter notice was issued.

Learned counsel for the petitioners submits that the petitioners have worked as Panchayat Teacher but petitioners have not been paid salary. The issue requires factual enquiry. Taking work and denying salary is not permissible as it would amount to beggary. However, the issue of payment of salary requires scrutiny of facts, firstly the enquiry as to the validity of the appointment, secondly, the issue as to actual working. This factual enquiry is within the domain of the District Programme Officer (Establishment), Bhagalpur.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Bhagalpur to verify the record to ascertain the validity of the appointment of the petitioners and decide the claim of the petitioners for payment of salary within a period of 60 days from the date of receipt/production of copy of this order.

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

(Anil Kumar Upadhyay, J)

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