

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16361 of 2017

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Shambhu Narayan Rai Son of Late Dev Nandan Rai, Resident of Village-
Malhipur, P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary/Director of Secondary Education,
Department, Government of Bihar, Patna.
2. The District Magistrate, Munger.
3. The District Education Officer, Munger.
4. The District Programme Officer Establishment, Education Department,
Munger.
5. The Regional Deputy Director of Education, Munger Division, Munger.
6. The Block Education Officer, Block- Asanganj, District- Munger.
7. The Principal -cum-D.D.O. Middle School Milki Jorari, Block- Asanganj,
District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Respondent/s : Mr.Jitendra Kumar Roy No-1 -Sc13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner is non payment of
arrears salary and current salary for the period October, 2015 to
December, 2016 and till date.

Learned counsel appearing on behalf of petitioner
submits that petitioner has worked as Assistant Teacher but
petitioner has not been paid salary for aforesaid period. 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 Education Officer/District Programme Officer (Establishment), Munger.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Education Officer/District Programme Officer (Establishment), Munger to verify the record to ascertain the validity of the appointment of the petitioner and decide the claim of the petitioner 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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