

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11221 of 2018

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1. Om Prakash and Anr Son of Ram Nandan Singh, resident of Village- Nandpur, Police Station- Nardiganj, District- Nalanda.
 2. Sadhna Kumari, Wife of Om Prakash, resident of Village- Nandpur, Police Station- Nardiganj, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The District Programme Officer Establishment, Nawada.
3. The District Education Officer, Nawada.
4. The Principal, Primary School Lodipur, Gram Panchayat Panchmukhi, Nawada.
5. The Principal, Primary School Mahima Vigaha, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad
For the Respondent/s : Smt. Shilpa Singh- Ga12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 18-07-2019 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 for the period of April 2013 to December 2015 and from March, 2017 to till date.

Learned counsel appearing on behalf of petitioners submits that petitioner have worked as Panchayat Teacher but petitioners have 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 factually enquiry is within the domain of the District Programme Officer (Establishment), Nawada.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Nawada to verify the record to ascertain the validity of the appointment of the petitioners 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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