

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11116 of 2018

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Bineet Prasad Singh son of Bhuneshwar Prasad Singh resident of village P.O.
- Dumrawn, Police Station - Pakaribarawan, District - Nawada, presently
posted as Assistant Teacher, National Inter School, Mafi, Warsaliganj,
Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. District Education Officer, Nawada.
5. District Programme Officer Establishment, Nawada.
6. Head Master, National Inter School Mafi, Warsaliganj, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Adv.

For the Respondent/s : Mr. Hitesh Suman, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 18-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

This writ application has been filed by the petitioner
against the order of stoppage of salary.

This matter was earlier heard by a Bench on
10.10.2018. The Court while granting liberty to the respondents
to file counter affidavit directed the respondents to release the
current salary of the petitioner. Unfortunately, neither the
counter affidavit is filed nor the salary of the petitioner has been
released in terms of the order dated 10.10.2018.

Under the aforesaid circumstanced, the Court is of the



view that keeping this writ petitioner involving simple issue of payment of salary pending is uncalled for.

Learned counsel for the petitioner submits that there is no written order, verbally of stoppage of salary respondents have stopped the salary of the petitioner working as Assistant Teacher in Government School. Taking work and denying salary amount to beggary which is impermissible and violative of Article 23 of the Constitution of India. If the respondents despite indulgence on 10.10.2018 has not filed counter affidavit, the Court is constraint to direct the respondents to take appropriate decision with regard to the payment of salary to the petitioner if it is found that petitioner has actually worked he should be paid arrears of salary and current salary within a period of 60 days from today.

In the event, the salary is not paid to the petitioner, the respondent District Education Officer, Nawada is under obligation to pay interest to the petitioner at the rate of 9% per annum from the date of accrual to the date of actual payment from his own pocket.

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

(Anil Kumar Upadhyay, J)

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