

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19730 of 2018

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Sufiya Nusrat Khatoon Wife of Mohammad Hafij Apsar, Resident of Village-Kandela, P.S. Barsoi O.P. Suddhani, District- Katihar, Assistant Teacher at Primary School, Dahki, Raiyapur, Kadwa Block, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Katihar.
4. The District Education Officer, Katihar.
5. The District Programme Officer Establishment, Education, Katihar.
6. The District Panchayati Raj Officer, Katihar.
7. The Sub Divisional Officer, Barsoi, Katihar.
8. The Block Education Officer, Kadwa Block, Katihar.
9. The Block Development Officer, Kadwa Block, Katihar.
10. The Panchayat Secretary of Tetaliya Gram Panchayat Raj, Tetaliya, P.S.- Kadwa, Katihar.
11. Mukhiya of Tetaliya Gram Panchayat Raj, Tetaliya, P.S.- Kadwa, District-Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Helal Ahmad, Advocate
For the State	:	Mr. Jitendra Kr. Roy 1, S.C. 13
For Respondent No. 11	:	Mr. Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Respondent State as well as learned counsel appearing for Respondent No. 11.

In view of the fact that the Respondent No. 11 has put in appearance, the Court is prepared to hear the counsel for the petitioner on the merit of the writ application so that the writ application is disposed of at this stage.



Learned counsel for the petitioners would submit that the petitioner is regularly working as Assistant Teacher in Niyojan Ekai of Tetaliya Gram Panchayat Raj, Tetaliya since 03.01.2011, but unfortunately, she has not been paid salary since April, 2014. If the petitioner has been legally and validly appointed and she is working regularly, she is entitled to payment of salary as taking work and denying salary is Beggary and violative of Article 23 of the Constitution.

Considering the submission made at the Bar, the writ petition is disposed of with a direction to the District Programme Officer (Establishment) Katihar, to examine the record as to legality and validity of appointment and also the fact that the petitioner is actually working. If on verification of record it is found that the petitioner has been legally and validly appointed and has worked, the respondent District Programme Officer (Establishment) shall ensure payment of salary to the petitioner. Necessary decision in this regard must be taken by the District Programme Officer (Establishment) Katihar, after hearing the petitioner, Panchayat Sachiv and Mukhia of the concerned District.

(Anil Kumar Upadhyay, J)

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