

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13444 of 2019

1. Raghubir Thakur S/o Late Ramdani Thakur Resident of Jalil Nagar, Lalu Chhapra, P.o. and P.s. and Distt.- Muzaffarpur at present posted at Middle School Hela Basauta, saran Amnaur, as Prakhand Teacher
2. Ram Bilas Prasad Yadav S/o Late Manik Chandra Rai Vill.- Jalalpur, P.o.- Astalpur, P.s.- Doriganj, Distt.- Saran at present posted at Middle School Basuta, Amnaur, Saran as Prakhand Teacher
3. Ramayan Rai S/o Mohan Rai Resident of Kotchwara, P.o.- Arbind nagar, P.s.- Dariyapur, Distt.- Saran, at present posted at Giri Middle School, Gosakhap, Amnaur, Saran at Prakhand Teacher
4. Ram Nath Rai S/o Mewalal Rai Vill.- Akilpur, P.o.- Wazhiyan, P.s.- Dariaypur, Distt.- Saran at present posted at Middle School Umarpur, Amnaur, Saran as Prakhand Teacher
5. Laxman Sharma S/o Janardan Sharma Vill.- Vishunpura, P.o.- Gaura, P.s.- Marauhra, Distt.- Saran at present posted at Middle School Hela Basauta, Amnaur, Saran as Prakhand Teacher
6. Laliteshwar Prasad Yadav S/o Mewa Prasad Yadav Vill.- Maksudpur, P.o.- Khodaibagh, P.s.- Khaira, Distt.- Saran at present posted at Middle School Katsa, Amnaur, Saran as Prakhand Teacher
7. Sona Prasad Rai S/o Maya Rai Vill. and P.o.- Maricha, P.s.- Baniapur, Distt.- Saran at present posted at Middle School Baidhnath pur as Prakhand Teacher
8. Mokhtar Prasad S/o Jeetlal Mahto Vill. and P.o.- Gaura, P.s.- Marauhra, Distt.- Saran at present posted at Middle School Umarpur, Amnaur, Saran as Prakhand Teacher
9. Surendra Ram S/o Ramnandan Ram Vill.- Chaturpatti, P.o.- Moha Jamma, P.s.- Paroo, Distt.- Saran at present posted at Middle School Paiga Sadar, Amnaur, Saran
10. Keshewnath Vidhyarthi S/o Late Ramdeo Mahto Vill.- Motihan, P.o.- Dighwara, P.s.- Dariyarpur, Distt.- Saran at present posted at Adarsh Middle School Rasulpur, Amnaur, Saran as Prakhand Teacher
11. Pramod Kumar Singh S/o Late Dharamnath Singh Vill.- Keowla, P.o. and P.s.- Dariyapur, Distt.- Saran at present posted at Middle School Patrahikhurd, Amnaur, Saran as Prakhand Teacher
12. Gang Deyalal Sah S/o Sri Ram Narayan Sah Vill. and P.o.- Kewani, P.s.- Garkha, Distt.- Saran at present posted at Middle School Rajjupur, Amnaur, Saran as Prakhand Teacher
13. Chandeshwar Rai S/o Late Sahweer rai Vill.- Brahmpur, P.o. and P.s.- Parsa, Distt.- Saran at present posted at Middle School Sahadi, Chhapra, Amnaur, Saran as Prakhand Teacher
14. Balmukund Singh S/o Sri Shyam Sundar Singh Vill.- Sargatti, P.o. and P.s.- Garkha, Distt.- Saran at present posted at Middle School Dumariya, Amnaur, Saran as Prakhand Teacher
15. Harendra Prasad Rai S/o Jaleshwar Rai Vill.- Brahmpur Parsa, P.o. and P.s.- Parsa Amnaur, Distt.- Saran at present posted at Upgrade Middle School Madhubani, Amnaur, Saran as Prakhand Teacher
16. Nand Kishoare Rai S/o Ashrafi Rai Vill.- Narayanpur, P.o.- Rahempur, P.s.- Garkha, Distt.- Saran and was posted at upgrade Middle School Permanand, Amnaur, Chapra, Saran as Prakhand Teacher but now retired.

... .. Petitioner/s



Versus

1. The State of Bihar through its Principal Secretary, Education Department, Bihar, Patna
2. Additional Secretary Education Department, Bihar, Patna
3. Director Education Department, Bihar, Patna
4. District Education Officer Saran
5. District Programme Officer Establishment, Saran
6. Block Development Officer Amnaur, Saran
7. Block Education Officer Amnaur, Saran
8. Pramukh Amnaur, Saran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mohammed Abu Haidar, Advocate
Md. Abu Shagir, Advocate
For the Respondent/s : Mr.Madanjeet Kumar (GP-20)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners are aggrieved by non-payment of salary.

Learned counsel for the petitioners would submit that the petitioners are regularly working since 28th May,2015 but unfortunately, the respondents have not paid salary to the petitioners. If the petitioners have been legally and validly appointed and they are working regularly, they are entitled to payment of salary as taking work and denying salary is Beggari and violative of Article 23 of the Constitution.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Programme Officer



(Establishment) Saran at Chapra to examine the record as to legality and validity of appointment and also the fact that the petitioners are actually working. If on verification of record it is found that the petitioners have been legally and validly appointed and they have worked, the respondent- District Programme Officer (Establishment) is under obligation to ensure payment of salary- arrears as well as current- to the petitioners. Necessary decision in this regard must be taken within a maximum period of 60 days from the date of receipt/production of a copy of this order.

Any delay in making payment of salary beyond the period as indicated hereinabove, will carry interest at the rate of 9% which shall be borne from the pocket of the District Programme Officer (Establishment), Saran at Chapra.

This order is subject to payment of 15 sets of deficit court fees within a period of one week from today.

With the aforesaid, the writ petition stands disposed of.

spandey/-

(Anil Kumar Upadhyay, J)

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