

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14242 of 2019

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Sanjay Kumar Jha Son of Mohan Jha Resident of Village and Post Lakhnaur,
P.S.- Lakhnaur Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Joint Director Primary School, Patna, Bihar.
2. The District Education Officer Distt. Madhubani.
3. The District Programme officer (Establishment) Education Department,
Distt. Madhubani.
4. The Block Education Officer Lakhnaur P.S.- Lakhnaur, District- Madhubani.
5. The Panchayat Secretary Panchayat Lakhnaur P.S.- Lakhnaur, District-
Madhubani.
6. Neelam Kumari Incharge Head Master Primary School Chandrabauni
Lakhnaur Distt.- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar
For the Respondent/s : Mr.Madhaw Prasad Yadaw (Gp23)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The only issue involved in the present application is
non-payment of salary.

Learned counsel appearing on behalf of petitioner
submits that petitioner has worked as Panchayat Teacher but
petitioner has not been paid salary since 14.07.2014. The issue
requires factual enquiry. Taking work and continuing 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), Madhubani.

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