

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13928 of 2019

-
-
1. Reena Kumari, Daughter of Sri G.P.S. Diwakar, (Ghanshyam Prasad Sinha Diwakar), Resident of Village- Shivnagar, P.O.- Gagma, P.S.- Sangrampur, District- Munger.
 2. Bhagwan Kumar Baudh, Son of Deo Sagar Baudh, Resident of Village- Bujhayat, P.O.- Naiyadih, P.S.- Sono, district- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Human Resources Development, Bihar Patna.
2. The Director, Primary Education Bihar, Patna.
3. The Regional Deputy Director of Education, Munger.
4. The District Magistrate, Jamui.
5. The District Education Officer, Jamui.
6. The District Programme Officer, (Establishment Education) Jamui.
7. The District Programme Officer (Primary Education) Jamui.
8. The Block Education Officer Laxmipur, District- Jamui.
9. The Block Education Officer, Sono, District- Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bharat Lal
For the Respondent/s : Mr. Madhukar Mishra , AC to SC-16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioners and the State.

2. The grievance of the petitioners in the instant case is non-payment of salary.

3. Learned counsel appearing on behalf of the petitioners submits that petitioner no.1 is not getting salary since May, 2017 and petitioner no.2 is not getting salary since



September, 2018.

4. According to the learned counsel for the petitioners, the petitioners are regularly working, but the respondents have denied salary to the petitioner and on pick and choose basis they are paying salary to others.

5. Considering the fact that the petitioners are regularly working as stated in the writ application, the writ application is disposed of with a direction to the respondents to examine the factual aspect whether the petitioners are regularly working in the school, in question, and if it is found that the petitioners are regularly working, the respondents are under obligation to ensure payment of salary, as taking work and denying salary is Begari, which is violation of Article 23 of the Constitution of India.

6. Necessary decision for payment of salary (arrears as well as current) must be taken by the respondent District Programme Officer (Establishment), Jamui within a maximum period of sixty days from the date of receipt/production of a copy of this order, failing which the petitioners would be entitled to payment of interest at the rate of 9% per annum from the date of accrual till the date of actual payment and the same shall be born out from the pocket of respondent District



Programme Officer (Establishment), Jamui.

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

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

