

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14518 of 2019

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Narendra Kumar Thakur S/O Sri Rajendra Thakur, R/O Village- Kanta, P.O.- Kanta, P.S.- Gaighat, Block- Gaighat, District- Muzaffarpur presently posted as In-charge Head Master, Primary School Paga laxmi Harijan Tola, Block- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The District Magistrate, Muaffarpur.
5. The District Education Officer, District- Muzaffarpur.
6. The District Programme Officer, (SSA) Muzaffarpur.
7. The District Programme Officer, (Establishment), Muzaffarpur.
8. The Block Education officer, Block- Gaighat, District- Muzaffarpur.
9. The Secretary, Panchyat Raj Susta, block - Gaighat, District- Muzaffarpur.
10. The Mukhiya, Panchyat Raj Susta, Block - Gaighat, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Advocate
For the Respondent/s : Mr.J.P.Kishore, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 22-07-2019 The grievance of the petitioner in the present writ
petition is non-payment of salary despite regularly working.

Learned counsel for the petitioner would submit that
the petitioner was Incharge Headmaster of the school in
question. Under Sarva Shiksha Abhiyan fund was allotted to
him for construction of additional class rooms. The construction
work was completed in 2014 and utilization certificate was
submitted by the petitioner in the office of the DPO (SSA),



Muzaffarpur. Without any show cause notice, proceeding or enquiry the salary of the petitioner has been withheld from September, 2014 till date.

The State Government instead of engaging contractor for carrying construction work, relegated the teachers to the level of contractor and after construction work was done, manifold allegations are levelled as to completion of project and misutilization of fund allocated for construction of class rooms under the Sarva Shiksha Abhiyan. This situation has become heaven for corrupt people in the department and they have exploited the situation by lodging FIR, stopping salary and other actions. This Court is constrained to observe this on account of the fact that this Court has occasion to decide several cases of misutilization of fund for construction of additional class rooms in several cases. The situation would have been avoided if the State Authorities were vigilant and would have taken proper decision for implementation of the scheme for construction of additional Class rooms by engaging regular contractors. The teachers primary duty is teaching but they have been made contractors and now they have been subjected to different coercive actions including non-payment of salary.

In the aforesaid backdrop, the present writ petition



involving non-payment of salary is disposed of with a direction to the respondents to complete the process of accounting after verification of the measurement book within a maximum period of 30 days from today and within a further period of 30 days they will decide the liability of the petitioner, if any, after opportunity of hearing to the petitioner. Thereafter, the respondents will take appropriate decision with regard to payment of dues to the petitioner.

If the respondents fail to complete the exercise within the time indicated hereinabove, it shall be deemed that nothing is payable by the petitioner towards the construction of additional class rooms of the school and the respondents shall be liable to pay the entire arrears right from September, 2014 till date in one go within a further period of thirty days.

With the aforesaid, the writ petition stands disposed of.

Let a copy of this order be communicated to the Principal Secretary, Education Department, Bihar, Patna.

(Anil Kumar Upadhyay, J)

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