

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8532 of 2017

=====

Sima Haque Daughter of Abdul Haque, Resident of Mohalla- Rauza, P.S.- Ara Town, P.O. Ara, District- Bhojpur- 802301.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Commissioner of Education, Bihar New Secretariat, Bailey Road, Patna.
3. Director, Primary Education, Bihar, Patna, New Secretariate, Bailey Road, Patna.
4. District Education Officer, Ara, Bhojpur.
5. District Superintendent of Education, Ara, Bhojpur.
6. District Programme Officer of Education, Primary Ara, Bhojpur.
7. Block Education Officer, Jagdishpur, P.S. Jagdishpur District- Ara, Bhojpur.
8. Mukhiya Shivpur, Panchayat P.O. and P.S. Jagdishpur, Ara, Bhojpur.
9. Principal of Utkarmik Madhya Vidyalaya, Devradh Jagdishpur, Ara, Bhojpur.
10. District Magistrate, Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha-1
For the Respondent/s : Mr. S.C. Mishra- Sc16

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 25-07-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

The grievance of the petitioner is non payment of
arrear of salary and current salary for the period from the date of
her joining to till date.

Learned counsel appearing on behalf of petitioner
submits that petitioner has worked as Panchayat Teacher but
petitioner has not been paid salary for aforesaid period. The



issue requires factual enquiry. Taking work and denying salary is not permissible as it would amount to beggary. However, the issue of payment of arrear of salary and current salary requires scrutiny of facts, firstly the enquiry as to the validity of the appointment, secondly, the issue as to actual working. This factual enquiry is within the domain of the District Programme Officer (Establishment), Bhojpur at Ara.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Bhojpur at Ara to verify the record to ascertain the validity of the appointment of the petitioner and decide the claim of the petitioner for payment of arrear of salary and current 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)

mdrashid/-

U			
---	--	--	--

