

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15209 of 2019

1. Meera Kumari Wife of Dinesh Prasad Block Teacher, Upgraded Middle School, Bharav Block Kalyanpur, District- Samastipur.
2. Kiran Kumari Wife of Vijay Kumar Sharma Block Teacher, Upgraded Middle School, Kayalakund Block Kalyanpur, District- Samastipur.
3. Raj Kumari Wife of Ravishankar Paswan Block Teacher, Govt. Middle School, Namapur Block Kalyanpur, District- Samastipur.
4. Gazala Parween Wife of Md. Mumtaz Ahmad Block Teacher, Govt. Middle School, Jhahuri Block Kalyanpur, District- Samastipur.
5. Anjum Parween Wife of Md. Jiyaul Islam Block Teacher, Upgraded Middle School, Manikauli, Block Kalyanpur, District- Samastipur.
6. Tahera Khatun Wife of Md Naziruddin Block Teacher, Upgraded Middle School, Bargama Block Kalyanpur, District- Samastipur.
7. Nand Kishor Singh Son of Rameshwar Singh Block Teacher, Upgraded Middle School, Gumla, Block Kalyanpur, District- Samastipur.
8. Ramashray Singh Son of Sonelal Singh Block Teacher, Upgraded Middle School, Manikauli Block Kalyanpur, District- Samastipur.
9. Aklu Singh Son of Bhaglu Singh Block Teacher, Upgraded Middle School, Miki Ramauli Block Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department, Govt. of Bihar, Patna.
2. The Director Primary Education, Education Department, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education Darbhanga Division, Darbhanga.
4. The District Magistrate Samastipur.
5. The District Education Officer Samastipur.
6. The District Programme Officer (Establishment) Samastipur.
7. The Block Development Officer-Cum- Secretary The Block Teacher Employment Unit, Kalyanpur, District- Samastipur.
8. The Block Education Officer Kalyanpur, District- Samastipur.
9. The Block Teachers Employment Unit Block Kalyanpur through its Chairman cum Pramukh Panchayat Samsiti Block Kalyanpur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar Jha
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 29-07-2019 Heard learned counsel for the petitioners and the State.

The grievance of the petitioners in the present writ application is stoppage of salary from July, 2018.

Learned counsel for the petitioners submits that appointment of the petitioners was valid and petitioners are regularly working, but salary has not been paid to them.

The issue of payment of salary requires factual enquiry as to the validity of the appointment and actually working. Both factual enquiries are within the domain with the District Programme Officer (Establishment), Samastipur.

Accordingly, the writ application is disposed of with a direction to respondent no.6 (District Programme Officer (Establishment), Samastipur) to enquire into the matter and on verification of the record if it is found that the appointment of the petitioners is legal and valid and the petitioners have actually worked for the period they are claiming, they should be paid salary, as taking work and denying salary amounts to violation of Article 23 of the Constitution of India.

Necessary decision on the point of validity of appointment and payment of salary for the period the petitioners



have actually worked must be taken by the respondent District Programme Officer (Establishment), Samastipur within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

