

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16559 of 2019

Pratibha Kumari W/o Awadhesh Kumar Jha,D/o Late Bhagirath Mishra,
Resident of Village Roopnagar,PS Biraul,Dist.Darbhangha,Presently posted as
a Prakhanda Teacher of Middle School Roopnagar,Biraul,Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Department of Education,Govt. of Bihar,Patna
2. The District Magistrate, Darbhanga
3. The District Programme Officer(Establishment), Darbhanga
4. The District Education Officer, Darbhanga
5. The Block Development Officer cum Secretary Block Teachers Appointment Unit, Biraul.Darbhangha
6. The Block Education Officer, Biraul,Darbhangha
7. The Headmaster of Middle School Roopnagar, Biraul,Darbhangha

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-08-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner is non payment of
arrears salary and current salary from 16.03.2017 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 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), Darbhanga.

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