

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16416 of 2019**

---

1. Ajay Kumar Singh, S/o Kusheshwar Prasad Singh, Resident of Village- Fanda, P.S.-Karja, P.O.-Gorigama Dih, District-Muzaffarpur at present posted as Block Teacher, Upgraded Middle School Chainpur, Mohamadpur Khaje Block- Marwan, District- Muzaffarpur
2. Priyanka Soni, W/o Rambabu Kumar, Resident of Village- Sitarampur, P.S.- Maniyari, P.O.-Amrakh, District- Muzaffarpur, at present posted as Block Teacher, Upgraded Middle School Chainpur, Fatehpur, Block- Marwan, District- Muzaffarpur
3. Soni Kumari, W/o Arvind Kumar, Resident of Village- Dwarikanathpur, P.S.-Karja, P.O.-Karja, District- Muzaffarpur at present posted as Block Teacher, Upgraded Middle School Dwarikanathpur, Block- Marwan, District- Muzaffarpur
4. Sunita Kumari, W/o Vinay Kumar Singh, Resident of Village- Fanda, P.S.- Karja, P.O.-Gorigama Dih, District- Muzaffarpur, at present posted as Block Teacher, Upgraded Middle School Fanda, Block-Marwan, District- Muzaffarpur
5. Ranjan Kumar Tiwari, S/o Ram Ayodhya Tiwari, Resident of Village- Fanda, P.S. Karja, P.O.-Gorigama Dih, District- Muzaffarpur, at present posted as Block Teacher, Upgraded Middle School Fanda, Block- Marwan, 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 Regional Deputy Director of Education, Tirhut Division, Muzaffarpur
5. The District Education Officer, District- Muzaffarpur
6. The District Programme Officer Establishment, District- Muzaffarpur
7. The Block Development Officer, Block- Marwan, District- Muzaffarpur
8. The Block Education Officer, Block -Marwan, District- Muzaffarpur
9. The Pramukh, Block- Marwan, District- Muzaffarpur

... .. Respondent/s

---

**Appearance :**

|                      |   |                         |
|----------------------|---|-------------------------|
| For the Petitioner/s | : | Mr.Nalin Kumar          |
| For the Respondent/s | : | Mr.Prabhakar Jha (Gp27) |

---

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      14-08-2019

Heard learned counsel for the petitioners and the



respondents.

The grievance of the petitioners in the present writ application is non-payment of salary and also the grievance that the respondents have restrained the petitioners from marking attendance without any rhyme and reason.

Issue of payment of salary requires factual enquiry as to the legality and validity of the appointment of the petitioners and the period of actual working. The factual enquiry is within the realm of the District Programme Officer (Establishment), Muzaffarpur.

Similarly, the issue of restraining the petitioners from marking attendance is also within the realm of District Programme Officer (Establishment), Muzaffarpur, who is better in position to examine the reason for not allowing the petitioners from marking the attendance.

Accordingly, the writ application is disposed of with a direction to the District Programme Officer (Establishment), Muzaffarpur to enquire into the matter as to the validity of appointment and actual working of the petitioners and reason for not allowing the petitioners for not marking attendance. If on enquiry it is found that the appointment of the petitioners is valid and there is no reason to deny marking attendance of the



petitioners, the respondents cannot deny salary to the petitioners for the period they have actually worked.

Necessary decision in this regard may be taken by the respondent District Programme Officer (Establishment), Muzaffarpur 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 |  |  |  |
|---|--|--|--|

