

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17160 of 2019

1. Shambhu Kumar Sudhanshu Son of Bhola Thakur, Resident of Village and P.O.- Damu, P.S.- Basopatti, District- Madhubani.
2. Md. Anjum Prawez Son of Md. Anawarul Haque, Resident of Village and P.O.- Umgaon, P.S.- Harlakhi, District- Madhubani.
3. Murari Kumar Jha Son of Shyam Jha, resident of Village and P.O.- Hatwaria, P.S.- Harlakhi, District- Madhubani.
4. Keshav Kumar Shukla Son of Ashok Kumar Shukla, resident of Village and P.O.- Sauna, P.S.- Khirhar District- Madhubani.
5. Saroj Kumar Thakur, Son of Gajendra Thakur, Resident of Village- Madhwapur, P.S.- Madhwapur, District- Madhubani.
6. Md. Ahmad Hussain Son of Abdul Wahid resident of Village- Gamhariya, P.S.- Benipatti, District- Madhubani.
7. Vivek Kumar Mishra, Son of Surendra Kumar Mishra, resident of Village P.O.- Gangaur P.S.- Harlakhi, District- Madhubani.
8. Manoj Kumar Jha, Chandrakant Jha, resident of Village- Barhi, P.O.- Kauwaha, P.S Harlakhi, District- Madhubani.
9. Anand Mohan Son of Mithilesh Jha, resident of Village Hatwariya, P.O. and P.S.- Harlakhi, District- Madhubani.
10. Shivendra Jha Son of Late Lakshmi Kant Jha, resident of Village- Potgah, P.O. and P.S. Harlakhi District- Madhubani.
11. Dharmendra Kumar Gupta Son of Vijay Kumar Gupta, resident of Village and P.O.- Pal Deodha, District- Madhubani.
12. Ganesh Kumar Gupta Kishori Sah, resident of Village and P.O.- Kewaha, P.S.- Harlakhi, District- Madhubani.
13. Akshay Kumar Jha, Son of Diwakar Jha, Resident of Village and P.O.- Dhanga, P.S.- Arer, District- Madhubani.
14. Deota Kumari Wife of Vibhuti Kumar Pandey, resident of Village and P.O.- Ghorbanki, P.S.- Basopatti, District- Madhubani.
15. Mithlesh Yadav, Bhunanand Yadav, resident of Village and P.O.- Bijli P.S. and District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Education Officer, Madhubani.
5. The District Programme Officer (Establishment), Madhubani.
6. The Block Education Officer, Basopatti, Madhubani.
7. The District Treasury Officer, Madhubani.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mr.S.K.Ranjan, AC to GP 14

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 23-08-2019 Fifteen petitioners have approached this Court for a direction to the respondent- District Programme Officer (Establishment) , Madhubani to ensure payment of salary.

Learned counsel appearing on behalf of the petitioners would submit that the petitioners have been working after valid appointment but the respondents are not paying salary to them. Taking work and denying salary would amount to Beggari which is violative of Article 23 of the Constitution of India.

However, payment of salary requires factual enquiry as to whether the appointment is valid and the petitioners are actually working.

Accordingly, the writ petition is disposed of with the direction to the District Programme Officer (Establishment), Madhubani to enquire into the matter and on verification of the record if it is found that appointment of the petitioners is legal and valid and they have actually worked, ensure payment of salary at the earliest preferably within a maximum period of 60 days from the date of receipt/production of a copy of this order.



With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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