

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17373 of 2019

1. Ramesh Kumar S/o Sri Munindra Kumar Sinha Resident of Village and PO Hridaychak, PS Kaler, Dist.Arwal,Presently posted as Headmaster in Up-graded Middle School, Ora,Aurangabad.
2. Sanjeev Kumar Gupta S/o Sri Moti Lal Prasad Resident of Moti Mahal, Sinha College More, PS and Dist.Aurangabad, Presently posted as Graduate Teacher in Up-graded Middle School Imbrahimpur,Auranabad.
3. Narendra Pathak S/o Sri Vraj Vilas Pathak, Resident of Nayi Sahar,Ward-17, Brahman Toli, P.S. Daudnagar,Dist.Aurangabad,Presently posted as Graduate Teacher in Up-graded Middle School,Dihri,Kutumba,Aurangabad
4. Vijay Kumar S/o Sri Ram Swarup Das Resident of Ram Nagar, Karma Road,PS and Dist.Aurangabad,Presently posted as Graduate Teacher in Up-graded Middle School, Saraibar, Kutumba,Aurangabad
5. Alok Kumar Singh S/op Ram Chandra Singh Resident of Sri Krishna Nagar, Near Ganga Sadan, PS and Dist.Aurangabad,Presently posted as Headmaster in Up-graded Middle School, Ibrahimpur,Aurangabad
6. Onkar Chandra S/o Late Saryu Mahto, Resident of Club Road,Helth Way, lEast of Gate School,P.S. and Dist.Aurangabad,Presently posted as Headmaster in Up-graded Middle School, Pirauata,Aurangabad
7. Dharmendra Kumar Singh S/o Sri Madan Singh Resident of Village Ibrahimpur, PS Fesar, Dist.Aurangabad,Presently posted as Headmaster, in Up-graded Middle School, Bahuara, Aurangabad
8. Kishor Kumar Singh S/o Sri Alakh Deo Singh Resident of Gayatri Nagar, Tal Road,P.S. and Dist.Aurangabad,Presently posted as Headmaster in Up-graded Middle School, Rawal Bigha ,Aurangabad
9. Chandra Shekhar Singh S/o Late Ramji Prasad Resident of Near Jagat Press,Sri Ksrishna Nagar, PS and Dist.Aurangabad,Presently posted as Headmaster in Up-graded Middle School, Chatra, Deo, Aurangabad
10. Md. Reyaz Ahmad S/o Mustak Ahmad Resident of Kabirj Mohalla,Ward No.17, Navadih RoadAurangabad,P.S. and Dist.Aurangabad, Presently posted as Headmaster in Up-graded Middle School, Bharkur, Deo Aurangabad
11. Purushottam Sharma S/o Late Ram Parvesh Sharma, Resident of Village Nagavih,Jamuaon,P.S. Daudnagar, Dist.Aurangabad, Presently posted as Headmaster in Up-graded Middle School, Chauriya Aurangabad
12. Shiv Kumar Sharma S/o Late Chhote Narayan Singh Resident of Vina Sadan Makhra, Bramahrshi Chowk, Sri Krishna Nagar, Aurangabad,P.S. and Dist.Aurangabad, Presently posted as Headmaster in Up-graded Middle School, Chatra,Aurangabad
13. Arun Kumar Mishra S/o Sri Nand Mohan Mishra, Resident of Akanksha Palace,Chitaur Nagar, Aurangabad,P.S. and Dist.Aurangabad, Presently posted as Headmaster in Up-graded Middle School, Parsa Aurangabad
14. Raj Kumar Prasad Gupta S/o Sri Rameshwar Shaw, Resident of Durga Chauwk, MadanP.S. and Dist.Aurangabad, Presently posted as Gradiate



Teacher in Up-graded Middle School, Bahuara Aurangabad

15. Umesh Kumar S/o Late Rameshwar Singh Resident of Lalji Niwas Ward No.19, Near Ganga Sadan, Sri Krishna Nagar, Aurangabad, Presently posted as Headmaster in Up-graded Middle School, Ibanpur, Aurangabad
16. Vinod Kumar S/o Sri Janki Sharan Singh Resident of Behind Anugrah Middle School, Lakshman Migha, Aurangabad, PS and Dist. Aurangabad Presently posted as Headmaster in Up-graded Middle School, Jagdishpur, Aurangabad
17. Israr Ahmad, S/o Late Abdul Sattar Resident of Ajmer Nagar Navadih Road, Aurangabad, PS and Dist. Aurangabad Presently posted as Headmaster in Up-graded Middle School, Baghoi Khurd, Aurangabad
18. Vinod Kumar S/o Sri Kapil Deo Sharma Resident of Village Barpa, P.S. Pauthu, Dist. Aurangabad, PS and Dist. Aurangabad Presently posted as Headmaster in Up-graded Middle School, Harnahi, Aurangabad
19. Tauhid Ahmad Late Makbul Ahmad, Resident of Village and PO Bharthauli, Dist. Aurangabad, Presently posted as Headmaster in Up-graded Middle School, Batwan, Aurangabad
20. Md. Minhazul Islam S/o Md. Abusaleh Hussain Resident of Ali Nagar, Tikri Bypass Road, Ward 11, Aurangabad PS and Dist. Aurangabad Presently posted as Headmaster in Up-graded Middle School, Silar, Deo, Aurangabad
21. Arvind Kumar Singh S/o Sri Narsingh Singh Resident of Ram Rajya Nagar, Karma Road, Near Ambika Public School, Aurangabad Presently posted as Headmaster in Up-graded Middle School, Kushi, Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
3. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna
4. The District Education Officer, Aurangabad
5. The District Programme Officer (Establishment), Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw, G.P. 23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 27-08-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the respondent State.



The grievance of the petitioners in the present writ application is discrimination in the payment of salary.

Learned counsel for the petitioners would submit that the petitioners were appointed on the post of Teacher in Nationalized School. They have been promoted as Head Master and posted in Upper Middle School. Their grievance in the present application is that those teachers appointed in the similar terms as the petitioners are getting salary from Treasury whereas the petitioners are being paid from the fund received for Sarv Shiksha Abhiyan. Learned counsel would further submit that the scheme of Sarv Shika Abhiyan was formulated in 2009 after the framing of the Act for free and compulsory education whereas these petitioners were appointed in the Nationalised Schools and their salary is not depended upon the fund allocated for the Sarv Shiksha Abhiyan.

He further submits that the teachers appointed in the Nationalized Schools are getting salary on time because their payments are made from Treasury but teachers appointed from same source are discriminated by Department in the matter of payment of salary. The payment of the petitioners is delayed by the respondent on account of delay in release of fund by the Central Government under Sarv Shiksha Abhiyan.



As the issue of payment through different source is internal matter of the Education Department, this Court is not competent to issue any direction. The Court can only direct the respondents to assure payment of salary on time and there shall be no discrimination in the matter of allocation of fund and payment of salary to the petitioners. If the teachers appointed from the same source are getting their salaries on time from Treasury, there is no reason to adopt different modality/ and making payment of salary delayed.

The respondents are hereby directed to work out the mechanism to ensure the payment of salary to the petitioners who were appointed as Teachers in Nationalised Schools, on the line salary is regularly paid to their counter-part other teachers appointed in the Nationalized Schools. Necessary decision in this regard must be taken by the respondents at the earliest, preferably within a period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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