

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14631 of 2018

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Sanju Kumari wife of Amrendra Kumar, resident of Village- Chainpur, P.S.
Telpa, District- Arwal.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The District Education Officer, Aurangabad.
5. The District Programme Officer Establishment, Aurangabad.
6. The Block Education Officer, Goh, District- Aurangabad.
7. The Panchayat Secretary, Gram Panchayat Hathiyara, Block Goh, District Aurangabad.
8. The Headmaster, Govt. Primary School, Garhpar, Block Goh, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sri Krishna Ranjan, Advocate
For the Respondent/s : Mr.Jitendra Kr. Roy No. 1- Sc13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

This writ petition was filed after service of two
advance copies on the office of the Advocate General on
26.7.2018 yet the respondents have not filed any counter
affidavit.

The issue involved in the present writ petition is non-
payment of arrears of salary as well as current salary.

Learned counsel for the petitioner would submit that



payment of salary of the petitioner has been withheld since 1.7.2015. He submits that the petitioner has been regularly working and without any rhyme or reason the salary of the petitioner has been stopped.

Taking work and denying salary amounts to Beggari which is prohibited under the constitutional scheme contained in Article 23 of the Constitution.

In the peculiar facts and circumstances, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Aurangabad to verify the relevant records and if it is found that the appointment of the petitioner is legal and valid and he is regularly working as claimed in the writ petition, the District Programme Officer shall ensure payment of salary to the petitioners – arrears as well as current. While taking decision the respondents have to see that the petitioner has also cleared TET Test 2011. Necessary decision with regard to payment of arrears as well as current salary must be taken by the respondents within a period of 60 days from the date of receipt/production of a copy of this order. If the payment is not made to the petitioner, within the time as indicated hereinabove, the petitioner shall be entitled to payment of interest at the rate of 9% which shall be borne out



from the pocket of the respondent- District Programme Officer
(Establishment) Aurangabad.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

spandey/-

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