

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17659 of 2019

Arjun Kumar Son of Late Rajdev Pandit Resident of Madhepura, Ward No. 09, Police Station-Madhepura, District-Madhepura, Presently working as Night Guard in Rajkiya Keshav Girls Senior Secondary School, Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Additional Chief Secretary Education Department, Government of Bihar, Patna
3. The Deputy Secretary Education Department, Bihar, Patna
4. The Director (Secondary Education) Education Department, Government of Bihar, Patna
5. The Regional Deputy Director of Education Koshi Division, Saharsa
6. The District Magistrate Madhepura
7. The District Education Officer Madhepura
8. The District Programme Officer (Secondary Education) Establishment, Madhepura
9. Bibha Kumari Daughter of not known to the petitioner presently posted as in-charge Headmaster of Rajkiya Keshav Girls Senior Secondary School, Madhepura, District-Madhepura
10. Shri Ramchandra Roy Son of not known to the petitioner presently working as teachers representative of Rajkiya Keshav Girls Senior Secondary School, Madhepura, District-Madhepura
11. Kumari Renu D/o Late Jagdish Prasad Yadav R/o Ward No. 10, Laloo Nagar, Madhepura, Police Station-Madhepura, District-Madhepura
12. Nirmala Devi Wife of Shri Mahanand Ram R/o Village-Basantpur, Police Station-Shankarpur, District-Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Singh, Advocate
For the Respondent/s : Mr.Subash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The grievance of the petitioner in the instant case is



non-payment of honorarium/salary since 18.06.2018 till date.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was legally and validly appointed and working as Night Guard since 1.2.2012 but without any rhyme or reason the petitioner has not been paid honorarium/salary. Taking work and denying salary is violative of Article 23 of the Constitution of India.

The issue as to payment of salary requires verification of the records.

In view of the above, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Madhepura to verify the records and after verification if he comes to the conclusion that the petitioner has been legally and validly appointed and worked for the period he is claiming salary, the District Programme Officer (Establishment), Madhepura shall ensure payment of honorarium/salary for the period the petitioner has worked. Necessary decision in this regard must be taken by the respondent-District Programme Officer (Establishment), Madhepura at the earliest preferably within a period of three months 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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