

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19407 of 2019

1. Gyan Parkash Tiwari Son of Raj Kishor Tiwari, Resident of Village and Post Office-Chandwa, Police Station-Ara Nawada, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Berath, Block-Agiaon, District-Bhojpur.
2. Vikash Kumar Singh, Son of Anesh Singh, Resident of Village and Post Office-Nathmalpur, Police Station-Barhara, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Pawar, Block-Agiaon, District-Bhojpur.
3. Sudhir Kumar, Son of Kishun Prasad, Resident of Village-Gosganj, Police Station-Ara Nagar, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Sutihari, Block-Agiaon, District-Bhojpur.
4. Kumar Rishikesh Anand, Son of Sipahi Prasad, Resident of Village and Post Office-Bhadwar, Police Station-Bagen Gola, District-Buxar. At present posted and working as Prakhand Teacher in Govt. Middle School Chiraili, Block-Agiaon, District-Bhojpur.
5. Virendra Kumar, Son of Dwarika Prasad Yadav, Resident of Village and Post Office-Jethuli, Police Station-Fatuha, District-Patna. At present posted and working as Prakhand Teacher in Govt. Middle School Nadhi, Block-Agiaon, District-Bhojpur.
6. Binod Kumar Singh, Son of Vishwanath Singh, Resident of Village and Post Office-Dhandiha, P.S.-Koilar, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Yoga Khairai, Block-Agiaon, District-Bhojpur.
7. Surendra Prasad Sharma, Son of Dhurbhari Prasad Sharma, R/o Village-Koilar Tola, Police Station-Koilar, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Sithuhari, Block-Agiaon, District-Bhojpur.
8. Ankesh Kumar Singh, Son of Ranjit Singh, Resident of Village and Post Office-Lahang Dumariya, Police Station-Bihiya, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Baghi, Block-Agiaon, District-Bhojpur.
9. Shashibhushan Kumar, Son of Keshari Lal, Resident of Village-Saraiya, P.S.-Krishnagarh, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Laharappa, Block-Agiaon, District-Bhojpur.
10. Jai Shankar Singh, Son of Hareram Singh, Resident of Village and Post Office-Piparpati, Police Station-Krishnagarh, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Baghi, Block-Agiaon, District-Bhojpur.
11. Surendra Kumar, Son of Harinath Yadav, Resident of Village and Post Office-Kalyanpur, Police Station-Bihiya, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Laharappa, Block-Agiaon, District-Bhojpur.



12. Geeta Devi, Wife of Dharmendra Upadhyay, Resident of Village and Post Office-Nathmalpur, P.S.-Barhara, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Upgraded Middle School Dhakni, Block-Agiaon, District-Bhojpur.
13. Sandhya Devi, Daughter of Radha Mohan Pandey, R/o Village-Garju Ke Bagaicha, Police Station-Nawada, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Sewatha, Block-Agiaon, District-Bhojpur.
14. Anita Kumari, Wife of Satish Nath Adhish, Resident of Village-Raza Bazar, Bihiya, Police Station-Bihiya, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Baruna, Block-Agiaon, District-Bhojpur.
15. Satish Nath Adhish, Son of Birendra Nath Adhish, R/o Village-Raza Bazar, Bihiya, Police Station-Bihiya, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Baruna, Block-Agiaon, District-Bhojpur.
16. Amarjeet Kumar Singh, Son of Harinath Rai, Resident of Village and Post Office-Narayanpur, P.S.-Narayanpur, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Yoga Kharaicha, Block-Agiaon, District-Bhojpur.
17. Sangeeta Kumari, Wife of Krishna Kumar Gupta, R/o Village and Post Office-Dhamar, P.S.-Ara Muffasil, District-Bhojpur. At present posted and working as Prakhand Teacher in Govt. Middle School Karvasin, Block-Agiaon, District-Bhojpur.
18. Rakesh Kumar Mishra, Son of Ghanshyam Mishra, R/o Village and Post Office-Bhadwar, P.S.-Bagen Gola, District-Buxar. At present posted and working as Prakhand Teacher in Govt. Middle School Lasadhi, Block-Agiaon, District-Bhojpur.
19. Bandana Kumari, Wife of Ambika Sharan Mishra, Resident of Village-Raghopur, Police Station-Bihta, District-Patna. At present posted and working as Prakhand Teacher in Govt. Upgraded Middle School Bhagwanpur, Block-Agiaon, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The District Magistrate, Bhojpur.
5. The District Programme Officer (Establishment) Education, Bhojpur.
6. The Prakhand Pramukh-cum-Chairman of Block Teachers Selection Committee, Agiaon, District-Bhojpur.
7. The Block Development Officer-cum-Member Secretary, Block Teachers Selection Committee, Agiaon, District-Bhojpur.
8. The Block Education Officer, Agiaon, Block-Agiaon, District-Bhojpur.



9. The Headmaster, Govt. Upgraded Middle School Yoga Khairacha, Block-Agiaon, District-Bhojpur.
10. The Headmaster, Govt. Upgraded Middle School Laharpa, Block-Agiaon, District-Bhojpur.
11. The Headmaster, Govt. Upgraded Middle School Situhari, Block-Agiaon, District-Bhojpur.
12. The Headmaster, Govt. Upgraded Middle School Baghi, Block-Agiaon, District-Bhojpur.
13. The Headmaster, Govt. Upgraded Middle School Pawar, Block-Agiaon, District-Bhojpur.
14. the Headmaster, Govt. Upgraded Middle School Bhagwanpur, Block-Agiaon, District-Bhojpur.
15. The Headmaster, Govt. Upgraded Middle School Berath, Block-Agiaon, District-Bhojpur.
16. The Headmaster, Govt. Upgraded Middle School Charaili, Block-Agiaon, District-Bhojpur.
17. The Headmaster, Govt. Middle School Nadhi, Block-Agiaon, District-Bhojpur.
18. The Headmaster, Govt. Middle School Dhakni, Block-Agiaon, District-Bhojpur.
19. The Headmaster, Govt. Middle School Baruna, Block-Agiaon, District-Bhojpur.
20. The Headmaster, Govt. Middle School Sewtha, Block-Agiaon, District-Bhojpur.
21. The Headmaster, Govt. Middle School Karvasin, Block-Agiaon, District-Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 23-09-2019 Heard learned counsel for the petitioners and the respondents.

The present writ application involves the issue of payment of salary.

Learned counsel for the petitioners submits that



without any justifiable reason the petitioners have been stopped for working.

The issue of payment of salary and entitlement to continue in service requires factual enquiry and the the District Programme Officer (Establishment), Bhojpur is competent in the matter of taking appropriate decision with regard to continuity in service and payment of salary.

Considering the aforesaid, the writ application is disposed of with a direction to the District Programme Officer (Establishment), Bhojpur to take appropriate decision with regard to the claim of the petitioners to continue on the post and for payment of salary. The District Programme Officer (Establishment), Gopalganj shall verify the legality and validity of the appointment of the petitioners and also to verify the actual period of working of the petitioner and on satisfaction as to the legality and validity of the appointment and actual working of the petitioners, the respondent District Programme Officer (Establishment), Bhojpur shall pass appropriate order for entitlement of the petitioner.

Necessary decision in this regard may be taken by the respondent District Programme Officer (Establishment), Gopalganj 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 application stands disposed of.

(Anil Kumar Upadhyay, J)

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