

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20443 of 2019

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Akhilesh Kumar S/o Sri Siyaram Prasad R/o Village- Harla, P.O.- Mankipar,
P.S. Kadirganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar.
2. The District Magistrate, Patna.
3. The District Education Officer, Patna.
4. The District Program Officer (Establishment), Patna.
5. The Block Development Officer, Dhanarua, Patna.
6. The Block Education Extension Officer, Dhanarua, Patna.
7. The Panchayat Secretary, Gram Panchayati Raj,- Nimra Pali, Dhanarua, Patna.
8. The Mukhiya, Gram Panchayati Raj,- Nimra Pali, Dhanarua, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Respondent/s : Mr.Subash Chandra Mishra (Sc16)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-10-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner is non payment of
salary for the period of March, 2012 to March, 2013 and
January, 2017.

Learned counsel appearing on behalf of petitioner
submits that petitioner have worked as Panchayat Teacher but
petitioner has not been paid salary for aforesaid period. The
issue requires factual enquiry. Taking work and denying salary



is not permissible as it would amount to beggary. However, the issue of payment of salary requires scrutiny of facts, firstly the enquiry as to the validity of the appointment, secondly, the issue as to actual working. This factual enquiry is within the domain of the District Programme Officer (Establishment), Patna.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Patna to verify the record to ascertain the validity of the appointment of the petitioner and decide the claim of the petitioner for payment of salary within a period of 60 days from the date of receipt/production of copy of this order.

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

(Anil Kumar Upadhyay, J)

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