

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4876 of 2017

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Sushila Kumari Daughter of Sri Muni Prasad and Wife of Sri Ramawatar Prasad, Resident of Village-Merhkuri, Police Station-Meskaur, District-Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, New Secretariat, Patna.
2. The Director, Primary Education, Education Department, New Secretariat, Patna.
3. The Deputy Director, Education, Education Department, New Secretariat, Patna
4. The District Magistrate, District-Nawada
5. The Deputy Development Commissioner, District-Nawada
6. The District Education, Officer, District-Nawada
7. The District Program Officer, Sarv Shiksha Abhiyan, District-Nawada
8. The Block Education Extension Officer, Meskaur Block, District-Nawada
9. The Head Master, Rajkiya Middle School Merhkuri, Meskaur Block, District-Nawada
10. The Mukhiya, Panchayat Raj Biju bigha, Meskaur Block, District Nawada
11. THE Secretary, Panchayat Raj Biju bigha, Meskaur Block, District-Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabi Bhushan Prasad No. 1
For the Respondent/s : Mr.Madhaw Pd. Yadav-Gp23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 25-07-2019 Learned counsel for the petitioner is permitted to implead the District Programme Officer (Establishment), Nawada as party respondent no.12 during the course of the day.

Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

The grievance of the petitioner is non payment of



arrears salary and current salary.

Learned counsel appearing on behalf of petitioner submits that petitioner has 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 factually enquiry is within the domain of the District Programme Officer (Establishment), Nawada.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Nawada 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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