

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20025 of 2019

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Bishwanath Deb, Son of Late Binod Lal Deb, Resident of Kazipur Quarter No. 3, In front of Quarter No. 18, Arya Kumar Road, Bankipur P.S. Kadam Kuan, Distt. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Ground Floor, New Secretariat, Vikash Bhawan, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Ground Floor, New Secretariat, Vikash Bhawan, Patna.
3. The Director (Higher Education), Education Department, Government of Bihar, Ground Floor, New Secretariat, Vikash Bhawan, Patna.
4. The Deputy Director (Higher Education), Education Department, Government of Bihar, Ground Floor, New Secretariat, Vikash Bhawan, Patna.
5. The Chairman-Cum-Director-Secretary, Bihar Bangla Academy, Road No.-7, Rajendra Nagar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate
For the Respondent/s : Mr.Madhaw Prasad Yadaw (GP-23)
Mr. Arvind Kumar, AC to GP 23

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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 State.

The petitioner has approached this Court for a direction to the respondents to make payment of arrears of salary to the petitioner.

The petitioner was appointed as Head Clerk in the Bihar Bangla Academy which is under the control of the Education Department and the Director, Higher Education has



direct control over the affairs of the Bihar Bangla Academy.

Taking work and denying salary amounts to violation of Article 23 of the Constitution of India. The respondents cannot be allowed to exploit the petitioner by taking work and denying salary. If the petitioner has been validly appointed and regularly worked, there is no reason not to make payment of salary.

Considering the aforesaid, the writ petition is disposed of with a direction to the Director (Higher Education), Education Department, Government of Bihar, Ground Floor, New Secretariat, Vikash Bhawan, Patna, respondent No. 3 to examine the claim of the petitioner and if it is found that the appointment of the petitioner is legal and valid and against the sanction vacant post, he shall ensure payment of arrears of salary to the petitioner at the earliest preferably within a period of three months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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