

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11659 of 2017

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Pankaj Pathak Son of Bhola Pathak, resident of Village Niyazipur, P.S. Simari, District- Buxar.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Vikash Bhawan, Baily Road, Patna
2. The Director, Secondary Education, Government of Bihar, Budha Marg, Patna.
3. The District Development Commissioner-cum- Chief Executive officer Zila Parishad, Buxar.
4. The District Education Officer, Buxar.
5. The Planning Officer, Buxar.
6. The Head Master, Manikpur High School, District Buxar.
7. The Head Master, Middle School, Rajapur, P.S. Simari, District- Buxar.
8. The Head Master J.N.M.U High School, Niyazipur, District- Buxar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Tiwary, Advocate
For the Respondent/s : Mr.Kameshwar Kumar -GP17

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-06-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner in the present case has moved this Court for a direction to the respondents to fix and pay the unpaid salary to the petitioner for the services rendered by him during his posting in different schools.

It is the case of the petitioner that he was appointed as a Teacher under the Zila Parishad Appointment of Teachers Scheme in accordance with the established procedure for appointment by holding a written test by the Bihar Examination



Board. Although in the writ petition there are statements that he was not given the posting as per his choice which he was entitled to, the said issue is not the subject matter of adjudication in the present case and while pressing the writ application learned counsel for the petitioner has confined his argument to his submission that firstly till date the pay of the petitioner has not been fixed by providing him adequate grade pay in terms of the pay-scale applicable to him and secondly that even though during pendency of the writ application some payments have been made to the petitioner, the salary for the month of February to May, 2017 and August 2017 are still liable to be paid.

Learned counsel has, thus, prayed for a direction to the respondents to consider the case of the petitioner for fixation of his pay after providing him adequate grade pay in the pay-scale applicable to the petitioner as also to direct the respondents to make payment of the outstanding amount on account of his salary for the period aforementioned.

Learned counsel representing the State submits that so far as the payment for the remaining period as indicated above are concerned, the District Education Officer, Buxar would consider the same once a report in terms of requirement



mentioned in Letter No. 87 dated 01.03.2018 written by the District Education Officer, Buxar to the Headmaster, High School, Niyajipur, Anchal- Sarsi, District- Buxar is received.

Learned counsel submits that till date the Headmaster has not responded to the Letter No. 87 dated 01.03.2018. It is further submitted that so far as fixation of pay by providing the grade pay is concerned, the District Education Officer, Buxar may be directed to look into the same and consider the same in accordance with law.

Having heard learned counsel for the parties and on perusal of the record, this Court is of the considered opinion that the entire dispute has now been narrowed down to the specific prayer of the petitioner for consideration of his case to fix his salary by providing him adequate grade pay and then the remaining amount of salary. So far as the payment of salary is concerned, it is apparent from the submissions of learned counsel for the State that it has not been considered and paid only because the Headmaster of the High School, Niyajipur has not responded so far.

In the given facts and circumstances of the case, this Court would direct the Headmaster, J.N.M.U. High School, Niyazipur, District- Buxar (respondent no. 8) to immediately



look into the matter and take necessary steps to make available the required information to the District Education Officer, Buxar. Such information must be made available within 15 days from the date of receipt/production of a copy of this order. The District Education Officer, Buxar (respondent no. 4) is directed to look into the report so received from the Headmaster, consider the same in the light of the submissions of the petitioner and consider the payment of the admitted amount of salary to the petitioner for the work done by him. If the respondent no. 4 comes to a conclusion on the basis of the materials available on the record that the petitioner is entitled for the payment of salary for the aforesaid period, the same must be paid within the next 30 days from the date of receipt of the report.

Learned counsel for the State submits, at this stage, that according to the stand taken by the District Education Officer, Buxar, salary for the period of August, 2017 has already been paid but this fact has been disputed by the learned counsel for the petitioner, therefore, it remains open for the District Education Officer, Buxar to look into this aspect of the matter and clarify the position.

So far as the fixation of pay of the petitioner is



concerned, he will be at liberty to make an appropriate request to the District Education Officer, Buxar in this regard within 30 days from today and in case such a request is made to the District Education Officer, Buxar, (respondent no. 4) within the aforesaid period, the same will be considered and an appropriate decision thereon shall be taken by him within 60 days from the date of receipt of the request.

The benefits, if any, accruing upon consideration so given to the request of the petitioner shall be made available to the petitioner forthwith.

This writ application is disposed of with the aforesaid directions.

(Rajeev Ranjan Prasad, J)

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