

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16835 of 2017

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Vimla Nayak W/o Baidyanath Mallick, Resident of Village- Bahera, P.S.- Bahera, District- Darbhanga. At present Incharge Headmaster, Govt. Primary Girls School Bahera, Benipur, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Primary Education, Governmetn of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The District Education Officer, Patna.
4. The District Programme Officer Primary Education, Darbhanga.
5. The Block Education Officer, Benipur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha
For the Respondent/s : Mr. Prabhakar Jha - Gp-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 01-08-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

The grievance of the petitioner is non payment of arrears salary and current salary for the period May, 2017 to till date.

Learned counsel appearing on behalf of petitioner submits that petitioner has worked as Incharge Headmaster 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 Education Officer/District Programme Officer (Establishment), Darbhanga.

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