

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20505 of 2019

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Deepmala @ Dipmala Wife of Sri Niraj Kumar Resident of Village- Dobi Tola, Angauta, P.S.- Mirzapur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Secondary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Secondary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Siwan.
4. The District Programme Officer (Establishment), Siwan.
5. The Block Education Officer, Goriyakothi, District- Siwan.
6. The Mukhiya, Gram Panchayat Raj, Mahammadpur, Block- Goriyakothi, District- Siwan.
7. The Panchayat Secretary, Gram Panchayat Raj, Mahammadpur, Block- Goriyakothi, District- Siwan.
8. The Headmaster, New Primary School, Mahammadpur, Kurmi Tola, Block- Goriyakothi, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh, Advocate
For the Respondent/s : Mr.Jitendra Kumar Roy 1 (Sc13)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 15-10-2019 Heard learned counsel for the petitioner and counsel appearing for the State.

The petitioner is aggrieved by non-payment of salary and action of the respondent for restraining her from marking attendance from attendance register.

Learned counsel appearing on behalf of the petitioner submits that petitioner has been validity appointed as Panchyat Sikshak on 04.06.2007 and petitioner has also passed the



efficiency test in the year 2010 and regularly working, but she has not paid salary from 28.10.2016. Taking work and denying salary is not permissible as it would amount to beggary and violation of Article 23 of the Constitution. Under the aforesaid circumstance, if the petitioner is regularly working, she is entitled to payment of salary in terms of Article 23 of the Constitution of India as well as Section 70 of the Contract Act.

In view of the above the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Siwan 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 a copy of this order.

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

(Anil Kumar Upadhyay, J)

T.Kr./-

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