

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22735 of 2019

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Jay Gopal Ram Son of Late Rup Narayan Ram Resident of Village- Siswar,
P.O.- Turki, P.S.- Kudra, District- Kaimur, at present project Shanti Balika
High School, Mohania Station Road Mohania, P.O. and P.S.- Mohania
District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary (Secondary) Education Department, Bihar, Patna.
3. Regional Deputy Director Education Patna Region, Patna.
4. District Magistrate, Kaimur at Bhabhua.
5. District Education Officer, Kaimur Bhabua.
6. District Programme Officer (Establishment) Kaimur at Bhabua.
7. Headmaster, Project Shanti Balika High School, Mohania, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate
For the Respondent/s : Mr. Kameshwar Kumar (GP-17)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 04-02-2020

The petitioner, who is a Peon in Project Shanti Balika High School, Mohania in the district of Kaimur, has not been paid his salary since July, 2019.

From the averments made in the petition and the annexures appended thereto, it appears that on a representation made by the petitioner before the District Programme Officer (Establishment), Kaimur regarding non-payment of salary to the petitioner, a communication was



made by the District Programme Officer (Establishment) to the principal of the school, reminding him that he was directed in the departmental meeting by the District Magistrate, Kaimur to make available the salary of the petitioner but till date no salary has been given to him.

As a consequence thereof and as a punitive measure, the salary of the principal of the school has been stopped by order dated 05.09.2019.

This communication between the District Programme Officer (Establishment) and the principal of the concerned school clearly indicates that the respondent/State has taken the rights of the petitioner to receive his salary seriously and therefore necessary penal/coercive action has been taken against the principal of the school who was under an obligation to make available the petitioner his salary for the months commencing from July, 2019 till date.

Even with such a measure being adopted against the principal of the concerned school, if the salary is not



paid, it would be open for the respondent/State to take serious action against the principal of the school.

If salary of the petitioner is not resumed within a period of four weeks, the petitioner shall make a complaint before the District Programme Officer (Establishment), Kaimur, Bhabua, who in turn would refer the matter to the District Magistrate, Kaimur, who would take necessary disciplinary action against the principal of the school.

With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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