

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7070 of 2020

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1. Bikash Kumar Sharma, Son of Late Bindeshwary Mistry, Resident of Village- Deo Bahuara Road, P.O.- Deo, P.S.- Deo, District- Aurangabad.
 2. Binod Kumar Singh, Son of Ramdyal Singh, Resident of Village- Dhanjaiya, P.O.- Belsara, P.S.- Deo, District- Aurangabad.
 3. Anil Kumar Mishra, Son of Parsuram Mishra, R/o Village- Ghunda, P.O.- Deshpur, P.S.- Kutumba, District- Aurangabad.
 4. Puspa Kumari, W/o Ajay Mishra, R/o Village + P.O. + P.S.- Amba, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Dept., Govt. of Bihar, Patna.
4. The District Magistrate, Aurangabad, District- Aurangabad.
5. The District Education Officer, Aurangabad, District- Aurangabad.
6. The District Programme Officer, Establishment (Education), Aurangabad, District- Aurangabad.
7. The Block Development Officer, Kutumba, District- Aurangabad.
8. The Block Education Officer, Kutumba, District- Aurangabad.
9. The Panchayat Secretary, Gram Panchayat Raj, Bairao, Block- Kutumba, District- Aurangabad.
10. The Mukhiya, Gram Panchayat Raj, Bairao, Block- Kutumba, District- Aurangabad.
11. The Panchayat Secretary, Gram Panchayat Raj, Telhara, Block- Kutumba, District- Aurangabad.
12. The Mukhiya, Gram Panchayat Raj, Telhara, Block- Kutumba, District- Aurangabad.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7145 of 2020

1. Sanjeev Kumar Singh, Son of Gupta Singh, Resident of Village- New Area, P.O.- Aurangabad, P.S.- Nagar (Aurangabad), District- Aurangabad.
2. Akshay Kumar, Son of Ramdyal Singh, Resident of Village- Dhanjaiya, P.O.- Belsara, P.S.- Deo, District- Aurangabad.
3. Sarita Kumari, D/o Ramlakhan Singh, Resident of Village- Dhanjaiya, P.O.- Belsara, P.S.- Deo, District- Aurangabad.



4. Bebi Kumari, D/o Durga Yadav, R/o Village- Dhanjaiya, P.O.- Belsara, P.S.- Deo, District- Aurangabad.
5. Sushma Kumari, D/o Siddheshwar Singh, R/o Village and P.O.- Keshaur, P.S.- Deo, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director Primary Education, Education Dept., Govt. of Bihar, Patna.
4. The District Magistrate Aurangabad, District- Aurangabad.
5. The District Education Officer Aurangabad, District- Aurangabad.
6. The District Programme Officer Establishment (Education), Aurangabad, District- Aurangabad.
7. The Block Development Officer Deo, District- Aurangabad.
8. The Block Education Officer Deo, District- Aurangabad.
9. The Panchayat Secretary Gram Panchayat Raj, Sargaon, Block- Deo, District- Aurangabad.
10. The Mukhiya Gram Panchayat Raj, Sargaon, Block-Deo, District- Aurangabad.
11. The Panchayat Secretary Gram Panchayat Raj, Eraura, Block-Deo, District- Aurangabad.
12. The Mukhiya Gram Panchayat Raj, Eraura, Block-Deo, District- Aurangabad.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7070 of 2020)

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate
Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr. AC to AG

(In Civil Writ Jurisdiction Case No. 7145 of 2020)

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr. AC to AG

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 28-01-2021 Heard learned counsel for the petitioners and the respondents.

A supplementary counter affidavit has been filed on



behalf of respondent no.3 on 19.12.2020.

In para 7 of the counter affidavit it is stated that after receipt of information from the concerned District Programme Officer (Establishment), Aurangabad vide letter dated 07.11.2020, he has further been directed vide letter dated 10.12.2020 to ensure that the petitioners are paid their salary.

Mr. P. K. Shahi, learned senior counsel for the petitioners submits that the respondents are paying salary on installment basis and not on regular basis. The petitioners are paid their salary up to October, 2020.

If the decision is taken by the respondents to make payment for the period, during which the petitioners have actually worked then they are obliged to translate the decision in action.

If the petitioners are regularly working, there is no reason to deny salary even according to their own stand taken in para 7 of the supplementary counter affidavit, which is quoted hereinbelow:

“7. That it is accordingly stated that after receipt of information from the concerned District Programme Officer (Establishment), Aurangabad vide letter dated 07.11.2020 that he (D.P.O.) had further been directed vide letter no. 1023 dated 10.12.2020 to ensure that the petitioners are duly paid their salary.”



In view of the stand taken in para. 7 of the supplementary counter affidavit, the writ petitions are disposed of.

The Court hope and trust that the respondents will honour their own stand taken in para 7 of the supplementary counter affidavit and ensure payment of salary for the period, the petitioners have actually worked.

It goes without saying that the respondents will not only ensure payment up to December, 2020, but for the period they have actually worked, as taking work and denying salary is begari, which is prohibited under Article 23 of the Constitution of India.

(Anil Kumar Upadhyay, J)

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