

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9786 of 2020

1. Vandana Kumari alias Vandna Kumari, aged about 39 years, wife of Nawal Kishore Thakur, resident of Village and Post Office- Ahiyari, Police Station- Kamtaul, District - Darbhanga.
2. Raj Kumar Das, son of Srinarayan Das, resident of Mohalla - Gandhi Nagar Katrahiya, Post Office-Laxmisagar, Police Station- Sadar Darbhanga, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The District Education Officer, Darbhanga.
5. The District Programme Officer (Establishment), Darbhanga.
6. The Block Development Officer, Darbhanga Sadar, District - Darbhanga.
7. The Block Education Officer, Sadar Darbhanga, District - Darbhanga.
8. Sunil Kumar Lal, Education In-charge, Primary School, Gosai Tole, New Kabir Chak, Post Office-Kabir Chak, Police Station-Sadar Darbhanga, District -Darbhanga.
9. Pramod Mochi, Panchayat Teacher, Financial Incharge, Primary School, Gosai Tole, New Kabir Chak, Post Office- Kabir Chak, Police Station- Sadar Darbhanga, District - Darbhanga, Pin No. 846007.
10. Rajesh Thakur, Panchayat Teacher, Madhya Vidyalaya, Mathurapur, Kabir Chak, Post Office- Kabir Chack, Police Station- Sadar Darbhanga, District - Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate
For the Respondent/s : Mrs. Shilpa Singh, G.A-12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 21-05-2021

The matter has been heard *via* video
conferencing.

2. Heard Mr. Md. Shamimul Hoda, learned



counsel for the petitioners and Mrs. Shilpa Singh, learned G.A.-12 for the State.

3. No work is gratuitous. Taking work and denying salary amounts to *begari* and *begari* in any form is prohibited under Article 23 of the Constitution of India.

4. The present writ application has been filed for a direction to the respondent/authority to pay the salary including the arrears of the petitioners, allow the petitioner No. 1 to mark her attendance on the daily attendance register and treat the period of training of the petitioner No. 2 as regular service for payment of salary and pay the arrears for the aforesaid period of training.

5. The learned counsel appearing on behalf of the petitioners would submits that the petitioners have been appointed as *Panchayat* Teachers vide letter No. 10 dated 24.02.2016 under the Bihar *Panchayat* Primary Teacher (Appointment and Service Conditions) Rule,



2008, issued under the signature of Secretary of Gram Panchayat Kabir Chak, Sadar, Darbhanga and they are continuously working since joining but the petitioners are not being paid their salaries.

6. Considering the claim of the petitioners that they have been validly appointed and are continuously working, the writ petition is disposed off with a direction to the District Programme Officer, Darbhanga (respondent No. 5) to verify the records and on verification of the records, if it is found that petitioner No. 1 was validly appointed and petitioner No. 2 was sent for training, he shall ensure marking of attendance of petitioner No. 1 and payment of salary of the petitioners including petitioner No. 2 for the period he was undergoing training in view of its own policy decision and ensure payment at the earliest, preferably within a period of 60 days from the date of receipt/production of a copy of this order. If the payments are not made within a period of 60 days, the entire arrears will carry 9



percent interest per *annum* from the date of filing of the writ application till the date of actual payment and the interest component shall be realized from the District Programme Officer, Darbhanga.

7. With the aforesaid observation/direction, the writ petition stands disposed off.

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31/05/2021

