

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7347 of 2020

1. Sita Devi wife of Shri Bhupendra Kumar Singh resident of Village- Pinarthu Khurd, Sonbarsa, Post- Sonbarsa, P.S.- Sonbarsa, District- Siwan, Pin- 841241
2. Sangita Kumari wife of Shri Rajesh Singh resident of Uttar Tola, Itwa, P.O.- Itwa, District- Siwan, Pin- 841241
3. Ranjana Kumari wife of Shri Ripu Kumar Dixit resident of Koreya Dixit, P.O.- Jagtaul, Koreya, District- Gopalganj, Pin- 841426
4. Nagma Shaheen daughter of Shri Shamshad Ali resident of Village- Tarwara, P.O.- Tarwara, District- Siwan, Pin- 841506
5. Parween Zafri wife of Shi Javed Ahmad resident of House No. 53 KH, Village- Pipra, P.O.- Pipra, District- Gopalganj, Pin- 841427
6. Babuddin Ali son of Shri Mokhtar Ali resident of Village- Saraiya, Post- Saraiya, District- Siwan, Pin- 841506
7. Ghulam Husain son of Shri Sageer Ahmad resident of Barasara, Barharia, P.O.- Barharia, District- Siwan, Pin- 841232
8. Jitendra Kumar Manjhi son of Shri Sivbalak Manjhi resident of 70, Tilsandi, Braharia, P.O.- Barharia, District- Siwan, Pin- 841232
9. Pramod Paswan son of Shri Baijnath Paswan resident of Ukhai Purab Patti, P.O.- Ukhai, District- Siwan, Pin- 841227
10. Dharmendra Kumar Bhakta resident of Shri Jagdish Bhakta, resident of Village- Dihiya, Pipra Naryan, Post- Dindayalpur, District- Siwan, Pin- 841506
11. Sarita Singh wife of Shri Vinay Kumar Prasad resident of Kothuasarangpur, P.O.- Kothuasarangpur, District- Siwan, Pin- 841238
12. Gudiya Kumari wife of Shri Kumar Manikant resident of Village- New Bhupatipur, South Bhupatipur, Post- Sheikhpura, District- Patna, Pin- 800020

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna
2. Director, Primary Education, Bihar, Patna
3. District Education Officer, Siwan
4. District Programme Officer, Establishment, Siwan
5. Block Development Officer-cum- Secretary, Block Teachers Employment Unit, Pachrukhi, District- Siwan
6. Block Education Officer, Pachrukhi, District- Siwan
7. Block Teachers Employment Unit, Pachrukhi, District- Siwan through its Secretary



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-06-2021

The matter has been heard *via* video conferencing.

2. Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

3. Mr. Abhinav Srivastava, learned counsel appearing on behalf of the petitioners would submits that taking work and denying salary amounts to *begari* which is prohibited under Article 23 of the Constitution of India. He submits that petitioners have been validly appointed and they are regularly discharging their duties. As such, it is not proper on the part of the respondents not to make payment of salary on the one or other pretext including validity of appointment.

4. Taking work and denying payment is definitely *begari* and is not permissible under Article 23



of the Constitution of India, prohibiting *begari*.

5. Since the contention of the petitioners that they have been validly appointed and are regularly discharging their duties, the respondents are to take appropriate decision with regard to the payment of salary. In the event the respondents are taking work and the petitioners are discharging their duties, the respondents have to fix the accountability on those who are allowing the petitioners to continue, but that is not a ground to deny payment of salary to the petitioners.

6. Accordingly, the respondents are directed to ensure payment of salary for the period the petitioners have worked.

7. So far as the issue of legality and validity of appointment is concerned, the respondents are directed to adjudicate the matter and pass appropriate orders after providing opportunity of hearing to the petitioners after payment of salary for the period petitioners have worked within a period of 60 days from the date of



receipt/production of a copy of this order.

8. 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	30/06/2021
Transmission Date	N/A

