

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.912 of 2021

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1. Md. Sarfaraz Alam Son of Md. Moiz Resident of Village/Mohalla- Salimpur, Ward No.-12, P.O. and P.S.- Barh, District- Patna.
 2. Iffat Islam Wife of Md. Firoz Alam Resident of Village/Mohalla and Post- Mathurapur, P.S.- Ujiarpur, District- Samastipur.
 3. Md. Anzar Ahmad Son of Late Md. Muslim Resident of Village/ Mohalla- Kasba Ahar, Neem Chowk, Ward No. 05, P.O. and P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. Principal Secretary Human Resources Department, Govt. of Bihar, Patna.
3. Director Primary Education, Bihar, Patna.
4. District Education Officer Samastipur.
5. District Programme Officer (Establishment) Samastipur.
6. Block Education Officer Ujiarpur.
7. Block Education Officer Tajpur.
8. Panchayat Secretary Lakhanipur Maheshpatti Gram Panchayat, District- Samastipur.
9. Panchayat Secretary Western Gram Panchayat, District- Samastipur.
10. Panchayat Secretary Gangapur Gram Panchayat, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 10-03-2022 The case is being taken up from defect side.

Learned counsel for the petitioners is directed to submit the original petition along with attested affidavits and also remove the defects pointed out by the Registry within two weeks from today.



Heard both the sides.

Admittedly, the appeal of the petitioner is pending before the District Appellate Authority, Samastipur. An interim order has also been passed in his favour and on that basis the petitioner was continued on the post. The petitioners have raised grievances in the present writ petition that they have not been paid salary.

In the opinion of this Court, ordinarily the respondents cannot be allowed to withhold salary of teachers who are working and marking their attendance. However, I refrain from passing any orders on that as the appeal is already pending before the District Appellate Authority and I am of the view that the petitioner may file an appropriate petition before the District Appellate Authority for seeking direction as prayed in the present petition. It is expected from the District Appellate Authority to examine such an application after giving opportunity of hearing of other side and pass suitable orders accordingly.

(Sanjeev Prakash Sharma, J)

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