

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2341 of 2021

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Mithilesh Kumar, S/o Umi Ram, Block Teacher, Middle School Sirwar, R/o Village Nakuch Garmraha, Post Maina Gram, Police Station Mahishi, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Regional Education Deputy Director, Koshi Division, Saharsa.
3. The District Magistrate, Saharsa.
4. The District Education Officer, Saharsa.
5. The District Programme Officer (Establishment), Saharsa.
6. The Block Development Officer-cum-Block Selection Unit, Mahishi, Dist. Saharsa.
7. The Block Education Officer, Mahishi, Dist. Saharsa.
8. The Head Master, Middle School, Sirwar, P.S. Mahishi, Dist. Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Sharan Kumar, Advocate Mr. Ajit Kumar, Advocate
For the Respondent/s	:	Mr. Lalit Kishore (Ag) Mr. Ram Binay Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 03-02-2022

Heard Mr. Shambhu Sharan Kumar, learned
Advocate for the petitioner and Mr. Ram Binay Prasad
Singh for the State.

The petitioner, who is a Block Teacher is aggrieved by the fact that despite his rendering services, he has not been paid his salary since 28.09.2016.



It appears from the records that the Deputy Secretary of the Education Department has also written to the District Education Officer, Saharsa that there is no justifiable reason for withholding the salary of the petitioner and therefore requested him to pass necessary directions to the District Programme Officer, Saharsa for immediate payment of salary to the petitioner. This communication was made in the month of July, 2018.

Nothing happened thereafter and the learned counsel for the State submits that if at all the petitioner is aggrieved by any inaction of the respondents, he could approach the District Teachers Appellate Authority for the needful.

This Court does not appreciate the aforesaid response of the State more so when nothing has been brought on record to justify the stoppage of salary of the petitioner.

It is thus, in the aforesaid circumstances, directed that the petitioner shall bring to the notice of the District



Education Officer (Establishment), Saharsa (respondent no. 5) a copy of this order along with a representation within a period of two weeks to resume the salary of the petitioner as also to make payment of the arrears of salary accrued up till now. Necessary orders shall be passed by the concerned respondent ensuring the payment of salary and the arrears to the petitioner within a further period of six weeks, unless for a justifiable reason, the salary cannot be paid to the petitioner, in which case, a reasoned order shall be passed, failing which the respondent no. 5 shall not draw his salary.

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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