

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17402 of 2022

1. Avinash Kumar Son of Sri Asheshwar Prasad, Resident of Village-Shivrahan Chaturbhuj, P.O.- Jhapaha, P.S.- Ahiyapur, District- Muzaffarpur, Presently working as Panchayat Teacher, P.S. Alineura Purvi, Block-Minapur, District- Muzaffarpur.
2. Rajesh Kumar, Son of Sri Binod Prasad, Resident of Village and P.O.- Manikpur, P.S.- Minapur, District- Muzaffarpur, Presently working as Block Teacher, M.S. Shitalpatti Purvi, Block- Minapur, District- Muzaffarpur.
3. Laldeo Prasad Nirala, Son of Sri Tufani Sah, Resident of Village and P.O.- Mustafapur, P.S.- Ahiyapur, District- Muzaffarpur, Presently working as Block Teacher, M.S. Shitalpatti Purvi, Block- Minapur, District- Muzaffarpur.
4. Arun Kumar, Son of Sri Yogendra Chaudhary, Resident of Village-Khanejadpur, P.O.- Daud Chapra, P.S.- Minapur, District- Muzaffarpur, Presently working as Block Teacher, M.S. Panapur, Block- Minapur, District- Muzaffarpur.
5. Rani Kumari, D/o Lalbabu Bhagat, Resident of Village- Khanejadpur, P.O.- Daud Chapra, P.S.- Minapur, District- Muzaffarpur, Presently working as Block Teacher, U.M.S. Khutauna, Block- Minapur, District- Muzaffarpur.
6. Suman Kumari, D/o Sri Rajeshwar Thakur, Resident of Village and P.O.- Surjan Pakadi, P.S.- Siwaipatti, District- Muzaffarpur, Presently working as Panchayat Teacher, P.S. Mangeya, Block- Minapur, District- Muzaffarpur.
7. Mukesh Kumar, Son of Sri Ramchandra Ray, Resident of Village and P.O.- Dharampur, P.S.- Minapur, District- Muzaffarpur, Presently working as Panchayat Teacher, P.S. Koili Machhua Tola, Block- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The District Education Officer, Muzaffarpur.
3. The District Programme Officer (Establishment), Muzaffarpur.
4. The Block Development Officer, Minapur, P.O. and P.S.- Minapur, District- Muzaffarpur.
5. The Block Education Officer, Minapur, P.O. and P.S.- Minapur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Adv.
For the Respondent/s : Smt. Binita Singh (SC 28)



**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 21-12-2022 1. The petitioner by way of this writ petition has
prayed as under :-

“1. That the present writ petition is being preferred for issuance of an appropriate writ/writs in nature of MANDAMUS for commanding and directing concern authorities regarding payment of wages/salary from June,2016 to till date for their continuous works against the respective post, which remains unpaid arbitrarily and unreasonably even ignoring the different orders/communications passed by authorities themselves not to withhold the due payment as well as the rights of individuals under Article 23 of Constitution of India and for the payment of interest on delayed payments in addition to litigating cost also for unnecessary harassment and for the other necessary relief/ relief's on the basis of the facts and circumstances of the case as stated hereinafter.”

2. The petitioners pray that their salary be released.

3. Keeping in view the observations made by this Court in **C.W.J.C No. 22186 of 2019 (Pallavi Kumari Vs. State of Bihar & Ors.)** and analogous cases dated 29.11.2022 has held as under:-

“8. Keeping in view above, it is directed that the salary of the teachers shall not be withheld on excuses as above and arrears of salary shall also be released. Fund in this regard shall be made available by the Education Department to the



concerned employment units for the purpose of payment. It is made clear that if the arrears are not released within a stipulated period of four months from today, the teachers would be entitled to receive interest on the arrears of the amount of salary at the rate of nine per cent. The interest amount shall be recoverable from the respective District Education Officers/ District Programme Establishment Officer.

9. If the salary/arrears of salary are not released, the concerned teacher would also be entitled to file an appeal before the respective District Appellate Authority. If such an appeal is preferred, the same shall be decided expeditiously within a period of three months. If required, the District Appellate Authority/State Appellate Authority would be also empowered to impose penalty in terms of Rule 16 of the Rules of 2020 which provides as under:

“16. Power to impose Punishment:-

In case of non-compliance of the order/direction or in case of any complaints by the party for compliance of the order:-

(i) The Appellate Authority shall impose punishment against-concerned party but he will be given adequate opportunity of hearing before imposing punishment.

(ii) The Appellate Authority may impose penalty upto Rs. 50,000/- (Fifty thousand only) upon the answerable party. The amount of penalty shall be deposited in the Treasury under the head indicated by the Department. The amount of penalty shall be recoverable by way of Public demand.

(iii) The Appellate Authority shall have jurisdiction to make recommendation to the concerned Department to initiate Departmental proceeding or to take necessary action against the delinquent employee under the provisions of Bihar Service Code/Bihar Panchayat Raj Act 2006/Bihar Municipal Act 2007 and other relevant provisions.”



4. Keeping in view above, the same directions are held to be applicable in the present case *mutatis mutandis*.
5. The writ petition is allowed accordingly.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 21

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