

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17334 of 2022

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Smt. Sweety Kumari wife of Saurabh Kumar, D/o Sri Yogendra Kumar Das,
Resident of Village- Sabaura, P.S. Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Special Secretary Department of Education,
Government of Bihar, Patna.
2. District Magistrate, Begusarai.
3. District Program Officer, Begusarai.
4. District Education Officer, Begusarai.
5. Block Education Officer, Barauni.
6. Headmaster, Urdu Prathmik Vidyalaya, Salempur, Panchayat Nurpur, Block-
Barauni District- Begusarai.
7. The Chairman, Bihar School Examination Board, Patna.
8. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinesh Prasad Verma, Adv.
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw (GP-23)
		Mr. Arvind Kumar, AC to GP-23

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

ORAL ORDER

2 20-12-2022

1. Heard the parties.

2. The petitioner has prayed the following relief:-

(A) That this writ petition is being
filed by the petitioner in the nature of certiorari
to quash the letter no.838 dated 25.02.2021
(Annexure-2) issued from the office of the
District Education Officer, Begusarai by the
District Program Officer, establishment,
Begusarai, by which letter sow cause issued to
the petitioner and stopped the salary of the



petitioner. Further be pleased to direct the respondents to pay the due salary from September 2020 till now as well as current salary of the petitioner. Further be pleased to quash the endorsement (Annexure-8) made by the Block Education Officer, Barauni in the teachers daily attendance register, by which debarred from making the attendance. Thus, further be pleased to direct the respondents to permit her to make attendance in the school.

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 disposed of accordingly.

(Sanjeev Prakash Sharma, J)

amit/-
Item no.25

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