

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2212 of 2023

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Madhab Kumar Singh, Son of Saryug Singh, Resident of Village-Khopariya,
P.O.-Laulagan East, Block and P.S.- Chausa, District-Madhepura.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Education,
Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The District Education Officer, Madhepura.
5. The District Programme Officer (Establishment), Madhepura.
6. The Block Education Officer, Chausa, District-Madhepura.
7. The Headmaster, Primary Middle School, Khopariya, District-Madhepura.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate
For the Respondent/s : Mr. Jitendra Kumar Roy 1, SC-13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed seeking a writ in
the nature of Mandamus directing the respondent authorities to
make payment of monthly salary to the petitioner since
November, 2022 as well as current salary which, according to
him, has been illegally withheld.

3. Learned counsel for the petitioner himself submits
that this salary of the petitioner has been withheld by virtue of
Annexure '5' which is a communication contained in Letter No.
1755 dated 28.10.2022 issued by the District Programme Officer,



Establishment, Madhepura wherein a direction has been issued to all the concerned authorities to remove those teachers who are still working on the basis of a Madhyama Visharat degree obtained from Hindi Sahitya Sammelan Prayag.

4. On perusal, it appears that Annexure '5' has been issued in the light of the direction passed by the State Appellate Authority in Appeal No. 150/2021/Appeal No. 216 of 2018 and in this connection, an order dated 09.02.2022 passed by the State Appellate Authority has been referred to. This letter (Annexure '5') also refers decision of this Court. The petitioner has neither enclosed the orders of the State Appellate Authority nor of this Court and even Annexure '5' has not been assailed.

5. In such circumstance where the petitioner is deprived of his salary by virtue of an order contained in Annexure '5' and the same is not under challenge, this Court is of the considered opinion that no Mandamus may be issued.

6. This writ application has not merit, it is dismissed accordingly.

7. Liberty will be there to the petitioner to file fresh application, if so advised.

(Rajeev Ranjan Prasad, J)

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