

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1953 of 2023

=====

Dhananjay Kumar Pandey, Son of Vanshidhar Pandey, Resident of Village-
Korawn, Police Station- Hilsa, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Bihar, Patna.
3. The Director Primary Education Department, Govt. of Bihar, Patna.
4. The District Magistrate, Nalanda, District- Nalanda.
5. The District Education Officer, Nalanda, District- Nalanda.
6. The District Programme Officer, (Establishment) Nalanda, District- Nalanda.
7. The Block Education Officer, Chandi, Police Station- Chandi, District- Nalanda.
8. The Head Master, Primary School Naili, Block Chandi, Police Station- Chandi, District- Nalanda.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-06-2023 Heard learned counsel for the petitioner and the State.

The petitioner is seeking a direction to the respondent authorities to pay him his monthly salary along with the arrears with a statutory interest.

It is the case of the petitioner that he was appointed on the post of Panchayat Teacher at Primary School Naili, Gram Panchayat, Raj Salehpur, Chandi Block in the district of Nalanda on 19.12.2015. He joined the Primary School on 21.12.2015 and was discharging his duty regularly in that school. His grievance is that the respondents have not paid his monthly salary. Reference



has been made to an order dated 29.11.2022 passed by this Court in CWJC No. 22186 of 2019 and analogous cases.

Learned counsel for the petitioner submits that earlier this Court while considering CWJC No. 22186 of 2019 and analogous matters took note of the pleas advanced on behalf of the State for non-payment of salary of the teachers. Various grounds were raised, however, this Court was of the opinion that the salary of the teachers shall not be withheld on the basis of those excuses and arrears of salaries shall also be realised. Learned counsel for the petitioner is unable to say as to why the payment of salary has not been made to the petitioner.

The only submission advanced before this Court is that the case of the petitioner would be covered by the order of this Court as contained in Annexure '3' to the writ application.

Learned counsel for the State submits that at this stage when the reasons for non-payment are not known to either the petitioner or to this Court, no positive direction may be given to the State to make payment of the salary of the petitioner. It is further pointed out that in terms of the order of this Court as contained in Annexure '3' any individual grievance which has not been redressed can be taken up before the concerned District Appellate Authority/State Appellate Authority by filing an appeal.

Thus, learned counsel submits that if the petitioner is



aggrieved by non-payment of his salary, he may approach the District Appellate Authority where the stand of the State may also be taken into consideration.

This Court agrees with the submissions advanced on behalf of the State. On perusal of the order of this Court as contained in Annexure '3' which is crystal clear that this Court was also of the view that if the salary/arrears have not been released to the concerned teachers, they would be entitled to file an appeal before the respective District Appellate Authority. In the present case, the stand of the State is not known to this Court, hence, no positive direction may be issued.

The petitioner, if so advised, may file an appropriate application before the District Appellate Authority within a period of 30 days from today. If any such appeal is filed within the aforesaid period, the same shall be considered and the question of limitation, if any, shall be considered keeping in view that the petitioner was pursuing his remedy before this Court under some bonafide belief.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U			
---	--	--	--

