

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11797 of 2015

Nagesh Kumar Jha Son of late Ugra Narayan Jha Resident of Village
-Kanhauli, Post Office, P.S. and Block Jhanjharpur, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Human Resource Department, Patna, Bihar
2. The District Magistrate, Madhubani.
3. The District Programme Officer, Madhubani.
4. The District Education Officer, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kr Ojha, Advocate Mr. Ram Narayan Mahto, Advocate
For the Respondent/s	:	Mr. Anil Kumar Singh, GP-26 Mr. Hitesh Suman, AC to SC-13

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

ORAL JUDGMENT

Date : 21-02-2023

Heard learned counsel for the parties.

2. The petitioner has prayed as under:-

*“1. That, this is an application for
issuance of an appropriate writ(s), order(s),
direction(s) to the respondents to give the
benefits of A.C.P. to the petitioner and also give
the salary of higher qualification as B.A. from
the date of junior person who has got the same.
On the ground, petitioner had appointed on post
of Assistant Science Teacher on 11.01.1974 in*



the Middle School Rahua, Sangram under Block Madhepur, District Madhubani and who has superannuated on 31.07.2013 from the post of In-charge Head Master and after giving the abovementioned benefits further give the direction to the respondent to pay the salary since 1989 to 2013 with 18% interest per annum as Intermediate Science whatever petitioner had got the same since 1974 to 1989 and who has filed several representations before authorities which is pending.”

3. Learned counsel for the parties jointly state that the issue involved in the present case is squarely covered by the judgment dated 29.11.2022 passed in **C.W.J.C No. 22186 of 2019 (Pallavi Kumari Vs. State of Bihar & Ors.)** and analogous cases.

4. 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.”

5. Keeping in view above, the same directions are



held to be applicable in the present case *mutatis mutandis*.

6. The writ petition is disposed of accordingly.

(Sanjeev Prakash Sharma, J)

Amrendra/-
Item No. 33

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2023
Transmission Date	

