

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13586 of 2021

1. Priyam Kumari Wife of Sri Ranjit Singh Resident of Mohalla- New Market Amola Tola, P.S.- Katihar, District- Katihar.
2. Pawan Kumar Son of Sri Anil Kumar Poddar Resident of Village- Haflaganj, P.S. Muffassil Katihar, District- Katihar.
3. Amarnath Chaudhary Son of Sri Sitaram Chaudhary Resident of Village- Kuraitha, P.S.- Mansahi, District- Katihar.

... .. Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Katihar.
4. The District Education Officer, Katihar.
5. The District Programme Officer, Katihar.
6. The Block Development Officer, Mansahi, District- Katihar.
7. The Block Education Extension Officer, Pranpur West, District- Katihar.
8. The Mukhiya, Gram Panchayat Kuraitha, P.S. Mansahi, District- Katihar.
9. The Panchayat Secretary, Gram Panchayat Kuraitha, P.S. Mansahi, District- Katihar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Advocate
For the Respondent/s : Smt. Binita Singh , SC-28

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 03-08-2023 Two weeks' time is granted to learned counsel for the petitioners to remove the defects.

2. Heard learned counsel for the petitioners and learned counsel for the State.

3. Initially, this writ application was filed seeking a writ of mandamus commanding the respondents to pay arrears



of salary of the petitioners for the period 01.03.2007 to 21.11.2010 and from 01.06.2016 till date.

4. The petitioners claimed in the writ application that they have been working continuously under the direction of the competent authority, however, the salaries of the petitioners have been wrongly withheld and despite repeated representations, the respondents are not releasing the salary of the petitioners for the period 01.03.2007 to 21.11.2010 and from 01.06.2016 till date. Reference has been made to the case of one Ranjani Sinha who came to this Court in C.W.J.C. No. 17811/2008, and pursuant to the order passed by this Court in her case, the petitioners claimed that the respondents have made full payment of the back-wages of Ranjani Sinha.

5. During pendency of the writ application, petitioners have filed an Interlocutory Application being I.A. No. 01/2023 wherein they have prayed for quashing of Memo No. 422 dated 25.02.2023. In so far as it relates to petitioner nos. 2 and 3, learned counsel submits that by Memo No. 422 a blanket order has been issued to remove those teachers who failed to obtain teacher's training till 19.10.2022. The petitioners claimed that they were first removed from service in the year 2007, then, they were reinstated by virtue of order dated 06.05.2010.



Thereafter, they were again terminated vide Memo No. 09 dated 03.06.2016, but were reinstated vide Memo No. 28 dated 15.02.2020. Now they submit that they have been removed under Memo No. 422 dated 25.02.2023.

6. In the given facts, this Court prima-facie finds that on their own averment the petitioners were out of service firstly from 2007 to the date of reinstatement in the year 2010 and again from the year 2016 to the date of reinstatement in the year 2020. Whether the petitioners have worked during the intervening period and are entitled for their salary may only be considered by the competent authority with reference to the materials available with them.

7. This Court, therefore, directs the respondents to consider the claim of the petitioners for salary but strictly on the basis of cogent materials which may be available with them and an appropriate decision be taken with respect to payability of the salary to the petitioners within a period of three (3) months from the date of receipt/production of a copy of this order.

8. So far as the Interlocutory application is concerned, the petitioners are at liberty to file an appropriate application and apply for a remedy which may be available to them against the order of termination /removal in accordance with law.



9. I.A. No. 01 of 2023 stands disposed of.

10. If a question of limitation would arise in pursuing the remedy, the same will be considered keeping in view the petitioners were seeking reliefs against the order of removal/ termination before this Court under some bonafide beliefs.

11. This Writ Application stands disposed of, accordingly.

12. The certified copy of this order would be made available only after removal of the defects within the aforesaid period.

(Rajeev Ranjan Prasad, J)

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