

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9722 of 2022**

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Ratnesh Kumar Giri Son of Ganesh Giri, resident of Village and P.O. - Rampur Khajuria, P.S. - Dumaria Ghat, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The District Education Officer, East Champaran, Motihari.
5. The District Programme Officer (Establishment), East Champaran, Motihari.
6. The Supervisor - cum - Office Assistant, Office of the District Programme Officer (Establishment), East Champaran, Motihari.
7. The Block Education Officer, Block - Kesaria, District - East Champaran, Motihari.
8. The Block Development Officer, Block - Kesaria, District - East Champaran, Motihari.
9. The Deputy Collector of Land Records, East Champaran, Motihari.
10. The Member Secretary, Panchayat Teacher Employment Unit - cum - Panchayat Secretary, Gram Panchayat - Raj Sarottar West, Block - Kesaria, East Champaran.
11. The Principal, Navin Primary School, Alola, Ward No. 10, Sarottar, Block - Kesaria, District - East Champaran.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Dharmendra Kumar Paswan, Adv. With<br>Mr. Jai Prakash Singh, Adv. |
| For the State        | : | None                                                                 |

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

ORAL ORDER

3      09-01-2023                      1. The petitioner by way of this writ petition has  
prayed as under:-

“1. That the petitioner prays for the  
following reliefs through the present writ



application:

(i) To issue an appropriate writ/order/direction in the nature of certiorari thereby quashing the letter no. 143 dated 19.05.2022 issued by the respondent no. 9 i.e. The deputy Collector of Land Records, East Champaran, Motihari whereby and whereunder the Respondent no. 9 has opened an enquiry into the alleged discrepancy in the employment of teacher at gram panchayat Sarottar West, Block- Kesaria upon the direction upon the District Magistrate, East Champaran, Motihar (Respondent no. 3);

(ii) To issue an appropriate writ/order/direction in the nature of Mandamus commanding the respondent no. 11, i.e. the Principal, Navin Primary School, Alola , Ward No. 10, Sarottar, Block- Kesria to provide the Master Data and further to verify the E.P.F. Form and Academic and training certificate of the petitioner thereby enabling the petitioner to forward it to the respondent no. 7, i.e. the Block Education Officer, Kesaria, East Champaran for payment of due salary;

(iii) To issue an appropriate writ/order/direction in the nature of Mandamus directing the respondent authorities to pay the arrears of salary to the petitioner which is not being paid on account



of inaction of the respondent authorities.

(iv) To any other relief or reliefs for which the petitioner is found entitled to in facts and circumstances of the case.”

2. Learned counsel at bar does not press prayer no.1 and seeks directions in terms of Judgment passed by this Court in **C.W.J.C No. 22186 of 2019 (Pallavi Kumari Vs. State of Bihar & Ors.)** for release of salary.

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 writ petition is disposed  
of with direction to the respondents as above.

**(Sanjeev Prakash Sharma, J)**

Pravinkumar/-

Item No. 28

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