

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14951 of 2021

1. Subhash Madhya Vidyalaya, New Yarpur, Patna through its Secretary, Manu Niranjan Prasad, aged about - 72 years, gender- male, Son of Late Devendra Prasad, resident of Village - New Yarpur, Post Office - G.P.O., Patna, District - Patna.
2. Binoba Madhya Vidyalaya, Ram Nagar, Patna through its Secretary, Soni Sinha, aged about 36 years, gender- female, wife of Nishu Prabhat, Post Office - Mithapur, Patna, District - Patna.
3. Devendra Madhya Vidyalaya, Yarpur, Patna, through its Secretary, Jitendra Kumar, aged about 45 years, gender- male, Son of Chhathu Lal Yadav, resident of Karbigahya, Post Office - G.P.O., Patna, District - Patna.
4. Balak Madhya Vidyalaya, Khushrupur, Patna, through its Secretary, Laxmi Sinha, aged about -44 years, gender- female, C/o Jyoti Lal Sinha, resident of Post Office- Khushrupur, Patna, District - Patna.
5. Harsh Madhya Vidyalaya, Sanjay Nagara, Ramnagar, Patna, through its Secretary, Sanju Devi, aged about - 50, years, gender- female, C/o Shivji Ram, resident of R.S.S. Colony, Kankarbagh, Patna, District - Patna.
6. Ambedkar Madhya Vidyalaya, Purandarpur, Patna, through its Secretary, Yadhunandan Prasad, aged about - 65 years, gender - male, Son of Gauraji Paswan, resident of Purandarpur, Post Office - G.P.O., Patna, District - Patna.
7. Gandhi Madhya Vidyalaya, Vela, Patna, through its Secretary, Sanjay Kumar aged about - 40 years, gender- male, Son of Rajendra Prasad, resident of New Aitwarpur, Post - Kurthaul, P.S. - Parsa Bazar, Patna, District - Patna.
8. Sarswati Madhya Vidyalaya, (Bigrampur) Raynagar, Patna, through its Secretary, Baidhyanath Shah, aged about 62 years, gender- male, Son of Late Anant Shaha, resident of Village- Sanjay Nagar, Post Office- G.P.O., Patna, District - Patna.
9. Rajendra Madhya Vidyalaya, Indra Nagar, Ram Nagar, Patna through its Secretary, Shailesh Kumar, aged about 40 years, gender- male, Son of Bharat Prasad Yadav, resident of Karbigahiya, Post Office- G.P.O., Patna, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education Cum Additional Chief Secretary, Government of Bihar, Patna.
3. The Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manager Sah, Adv.



For the State : None

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

ORAL ORDER

3 09-01-2023

1. No one appears for the State.

2. The petitioners have prayed in this writ petition for releasing of salary and quashing of the order dated 09.07.2019

3. In *C.W.J.C No. 22186 of 2019 (Pallavi Kumari Vs. State of Bihar & Ors.)*, decided on 29.11.2022 this Court has held as under:-

“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 as above, this writ petition is allowed as directed hereinabove.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 5

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