

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10038 of 2023

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Ranjeet Kumar, Son of Jaya Shankar Prasad Singh, Resident of Biku, P.S-
Nardiganj, District- Nawada.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary Education Department,
Government of Bihar, Patna.
2. The Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Programme Officer (Establishment), Nawada.
5. The Block Education Officer, Nardiganj, Nawada.
6. The Block Panchayati Raj Officer-cum-The Secretary Block Teacher
Appointment Committee, Nardiganj, Nawada.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Tej Pratap Singh, Advocate
		Mr. Ishan Singh, Advocate
For the Respondent/s	:	Mr. Narendra Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed for issuance of
a writ in the nature of Mandamus directing the respondents to
pay difference arrear of salary of the petitioner for the period
2017-18 to 2023-24 amounting to Rs.5,12,504/-.

3. According to the petitioner, he was appointed as
Untrained English Teacher in Upgraded Middle School in
pursuance of the appointment letter as contained in Annexure
'1'. His joining was accepted by the Headmaster vide Annexure
'2'.



4. It is his case that he had started working and teaching but for about more than twelve months, he was not paid his remuneration. He submitted a representation before the Block Development Officer-cum-the Secretary Block Teacher Appointment Committee, Nardiganj, Nawada but when that failed to draw attention of the concerned Authority, he submitted an application before the District Teachers' Appellate Authority in the month of December, 2018 and a copy of the same has been enclosed as Annexure '4' to the writ application.

5. Learned counsel submits that in **CWJC No. 16214 of 2019 (Md. Ataur Rahaman and Ors. Vs. The State of Bihar and Ors)**, this Court, in the case of similarly situated Teachers directed the District Programme Officer to pay arrears of salary to each of the petitioners and to continue paying them until further orders.

6. Learned counsel for the petitioner submits that when the said order of this Court was brought to the notice of the District Programme Officer, Nawada, he sent letter to Block Education Officer, Nawada to make payment and directed for further communication. The petitioner has been paid some amount for the given years but thereafter the petitioner has prepared a chart showing the difference amount. It, however,



appears on a reading of further paragraphs in the writ application after paragraph '11' that there is no averment that the said chart was ever submitted to the concerned Authorities for consideration.

7. Learned counsel for the State submits that the petitioner has himself made a statement that he has submitted a representation before the District Teachers Appellate Authority. It is his submission that the petitioner has an alternative statutory remedy and he could have availed the remedy before the District Teachers Appellate Authority but instead of doing that, he has directly moved this Court.

8. Having regard to the facts of this case and the pleadings made in the writ application, this Court is of the considered opinion that if the petitioner submits a detailed representation with the chart showing the amount he is claiming before the District Programme Officer, Nawada, the same shall be considered keeping in view the judicial pronouncement and the applicability of the same in the facts of the case of the petitioner.

9. The District Programme Officer shall take an appropriate decision in accordance with law and the judgment of this Court within a period of two months from the date of



receipt/submission of the representation with the chart. If no such decision is taken, besides other remedy, it would be open to the petitioner to seek his alternative statutory remedy.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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