

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12804 of 2022

1. Vinay Kumar Chunnu Son of Late Rajmangal Pandit, Resident of Village-Kalyanpur, P.O.- Barkagaon, P.S.- Karja, District- Muzaffarpur, Presently working as Nagar Teacher, P.S. Kanhauli Mathh, Nagar Area, Muzaffarpur.
2. Sanjeev Kumar Bharti, Son of Ram Bachan Prasad, Resident of Village-Mouna, P.O.- Rajepur, P.S.- Baruraj, District- Muzaffarpur, Presently working as Nagar Teacher, P.S. New Police Line, Nagar Area, Muzaffarpur.
3. Praveen Kumar, Son of Ram Naresh Prasad, Resident of Village, P.O. and P.S.- Belsar, District- Vaishali, Presently working as Nagar Teacher, M.S. Mithanpura, Nagar Area, Muzaffarpur.
4. Praveen Kumar Pathak, Son of Vijay Kumar Pathak, Resident of Village-Rani Sakarpura, P.S.- Khagaria, District- Khagaria, Presently working as Nagar Teacher, M.S. Mahaveer Asthan, Nagar Area, Muzaffarpur.
5. Abhishek Ranjan, Son of Umesh Prasad Verma, Resident of Village and P.O.- Jamalabad, P.S.- Ahiyapur, District- Muzaffarpur, Presently working as Nagar Teacher, P.S. Akharaghat Baandh, Nagar Area, Muzaffarpur.
6. Bhagya Narayan Kumar, Son of Ram Nath Ray, Resident of Village and P.O.- Morsandhi, P.S.- Motipur, District- Muzaffarpur, Presently working as Nagar Teacher, M.S. Mahaveer Ashthan, Nagar Area, Muzaffarpur.
7. Ajay Kumar, Son of Jayasu Ram, Resident of Village- Belahi Lachchi, P.O.- Sivaipatti, P.S.- Minapur, District- Muzaffarpur, Presently working as Nagar Teacher, P.S. Bela, Atardah Das Tola, Nagar Area, Muzaffarpur.
8. Usha Kumari, Wife of Vijay Kumar Chaudhary, Resident of Village, P.O. and P.S.- Paru, District- Muzaffarpur, Presently working as Nagar Teacher, P.S. Atardah, Nagar Area, Muzaffarpur.
9. Kumari Punam Verma, Wife of Arun Shankar Chainpuri, Resident of Sukumar Ghosh, Ward No. 48, Mithanpura, Lane No. 1, P.O. and P.S.- Mithanpura, District- Muzaffarpur, Presently working as Nagar Teacher, M.S. Mithanpura, Nagar Area, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The District Education Officer, Muzaffarpur.
3. The District Programme Officer (Establishment), Muzaffarpur.
4. The Sub- Inspector of School, Nagar Area, Muzaffarpur, District- Muzaffarpur.
5. The Headmaster, Primary School, Kanhauli Mathh, Nagar Area, Muzaffarpur.
6. The Headmaster, Primary School, New Police Line, Nagar Area, Muzaffarpur.
7. The Headmaster, Middle School, Mithanpura, Nagar Area, Muzaffarpur.



8. The Headmaster, Middle School, Mahaveer Asthan, Nagar Area, Muzaffarpur.
9. The Headmaster, Primary School, Akharaghat Baandh, Nagar Area, Muzaffarpur.
10. The Headmaster, Primary School, Bela, Atardah Das Tola, Nagar Area, Muzaffarpur.
11. The Headmaster, Primary School, Atardah, Nagar Area, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Adv.
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc 16)

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

ORAL ORDER

3 13-01-2023 1. The petitioner by way of this writ petition has
prayed as under:-

*“1. That the present writ petition is being preferred for issuance of an appropriate writ/writs in nature of **MANDAMUS** for commanding and directing concern authorities regarding payment of wages/salary from November,2016 to till date for their continuous works against the respective post, which remains unpaid arbitrarily and unreasonably even ignoring the different orders/ communications passed by authorities themselves not to withholds the due payment as well as the rights of individuals under Article 23 of Constitution of India and for the payment of interest on delayed payments in addition to litigating cost also for unnecessary harassment and for the other necessary relief/ relief’s on the basis of the facts and circumstances of the case as stated hereinafter.”*



2. Both counsels are *ad idem* that the issue stands adjudicated finally 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 wherein this Court 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.”

- 3.Considering the above, the writ petition is decided *mutatis mutandis* in aforesaid terms. The Respondents shall take all steps to release the payment of the petitioner in the aforesaid terms.
4. The writ petition stands disposed of accordingly.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 14

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