

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13956 of 2022

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Lalita Kumari Daughter of Kalar Rajak resident of Village- Bhual Tar, P.O.-
Kadahar, Police Station- Kawakol, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Education Officer, Nawada.
5. The District Programme Officer (Establishment), Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the State : Mr. Umesh Narayan Dubey, AC to GP 27

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

ORAL ORDER

3 24-02-2023 1. The petitioner by way of this writ petition has
prayed as under:-

*“1. That this is an application for issuance of a
Writ in nature of mandamus commanding and directing the
Respondents authorities specially Respondent No. 5 i.e. the
District Programme Officer (Establishment) Nawada to pay
the arrears as well as current salary for the period from
December 2015 to December 2016 and again from March
2019 to till date to the petitioner who is regularly working
as regular Assistant Teacher since 2012 from the date of
appointment and had also received salary, but without any
cogent reason her salary for the aforesaid period has not
been paid despite regular work, and for which she is legally*



entitled to And/or issue any other appropriate Writ/Writs, direction/directions, order/orders for which the petitioner may be found just and proper in the facts and circumstances stated hereunder.”

2. 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. 50,0001/- (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. Keeping in view above, the same directions are held to be applicable in the present case *mutatis mutandis*.

4. The writ petition is allowed.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 14

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