

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14006 of 2022

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Sangita Kumari Daughter of Sri Parsuram Dubey, Resident of Village -
Alipur, P.O. - Dhavpokhar, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, New Secretariat, Patna, Bihar.
2. The District Collector, Rohtas at Sasaram.
3. The District Education Officer, Rohtas at Sasaram.
4. The District Programme Officer, Rohtas at Sasaram.
5. The Block Development Officer, Shivsagar Block, District- Rohtas.
6. The Block Education Officer, Shivsagar Block, District- Rohtas.
7. The Headmaster, Primary School, Budhua, P.S. - Shivsagar, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kr. Mishra, Adv. Mr. Shashikant, Adv.
For the Respondent/s	:	Mr. Smt. Binita Singh (SC 28)

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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 the petitioner craves indulgence of this
Hon’ble Court for issuance of an appropriate Writ in the
nature of Mandamus for commanding the respondents to
make payment of arrear of salary to the petitioner from the
month of October, 2018 to dated 29.3.2022 for the period in
which the petitioner performed her duty honestly and
sincerely and for giving interest and heavy compensation
for inordinate delay in payment of salary of the petitioner.”*

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. 50,000/- (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. 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)

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Item No. 19

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