

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15191 of 2022

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Rina Kumari Wife of Sri Santosh Kumar, resident of New Area Rafiganj, Police Station-Rafiganj, District-Aurangabad, Bihar working as Panchayat Teacher, Primary School, Devkali, Rafiganj, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Primary Education), Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director Primary Education, HRD, Government of Bihar, Patna.
4. The District Magistrate, District-Aurangabad, Bihar.
5. The District Education Officer (DEO), Aurangabad, Bihar.
6. The District Programme Officer (DPO) (Est.), District-Aurangabad, Bihar.
7. The Block Education Officer (BEO), Rafiganj, District-Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajoy Kumar Chakraborty, Adv.
For the Respondent/s : Mr. Madhaw Prasad Yadaw (G.P.- 23)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 09-02-2023

1. Heard the parties.

2. The petitioner prays as under:-

"1. That this is an application for issuance of writ in the nature of writ of mandamus or any other appropriate writ or writs, order and direction commanding the Respondents to pay the arrears as well as current salary to petitioner unlawfully and arbitrarily has been withheld from December, 2019 to



January, 2020 (14 months), from July, 2020 to July, 2021 (13 months) and again from September, 2021 to till the date September, 2022 (13 months) and the respondent may further be directed to pay the current salary to the petitioner from immediate effect on account of facing acute financial hardships in the family without salary despite there is no any allegation of moral turpitude, misappropriation, corruption or any economic offence nor there is any departmental proceeding is pending against the petitioner."

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 thereof, the respondents are directed to release the salary of the petitioner in terms of the aforesaid directions within a period of two months along with interest @ 9% per annum. The same shall be recovered from the concerned officer, who has not released the salary.

5. The writ petition stands allowed.

(Sanjeev Prakash Sharma, J)

lata/-
Item No. 7

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