

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14534 of 2022

1. Sunil Kumar, Male, aged about 50 years, son of Rajaram Ray, Resident of Village and P.O. Narwara, P.S. Tariyani, District-Sheohar, presently working as Block Teacher in Nationalized Middle School, Sodhna Madhopur, Block-Minapur, District-Muzaffarpur.
2. Ashutosh Kumar, Male, aged about 28 years, son of Shri Narayan Jha, resident of Village and P.O. Turki Khararo, P.S. Minapur, District-Muzaffarpur, presently working as Block Teacher in Nationalized Up-graded Middle School, Jhonjha, Block-Minapur, District-Muzaffarpur.
3. Uday Shankar Yadav, Male, aged about 48 years, son of Ram Nandan Ray, Resident of Village-Rampur Pokhari, P.O. Ganga Dharampur, P.S. Tariyani, District-Sheohar, presently working as Block Teacher in Nationalized Middle School, Kodaria, Block-Minapur, District-Muzaffarpur.
4. Gayatri Kumari, Female, aged about 34 years, Wife of Sanjay Kumar Ray, resident of Village-Lohasi, P.O. Partapur, P.S. Belsand, District-Sitamarhi, presently working as Block Teacher in Nationalized Up-graded Middle School, Jhonjha, Block-Minapur, District-Muzaffarpur.
5. Rupesh Kumar, Male, aged about 31 years, Son of Awadh Kumar Jha, Resident of Village-Brahman Tola, P.O. Turki Khararo, P.S. Minapur, District-Muzaffarpur, presently working as Block Teacher in Nationalized Upgraded Middle School, Jhonjha, Block-Minapur, District-Muzaffarpur.
6. Arun Kumar, Male, aged about 33 years, son of Satyadev Ray, Resident of Village and P.O. Turki Kharao, P.S. Minapur, District-Muzaffarpur, presently working as Block Teacher in Nationalized Up-graded Middle School, Jhonjha, Block-Minapur, District-Muzaffarpur.
7. Raja Kumar, Male, aged about 35 years, Son of Raj Deo Sahni, Resident of Village-Vijay Chhapra, P.O. Bhikhanpur, Dadar Kolhua, P.S. Ahiyapur, District-Muzaffarpur, presently working as Block Teacher in Nationalized Upgraded Middle School, Jhonjha, Block-Minapur, District-Muzaffarpur.
8. Ratnesh Diwakar, Male, aged about 33 years, son of Shambhu Prasad Gupta, Resident of Village-Tengharhi, P.S. Minapur, District-Muzaffarpur, presently working as Block Teacher in Nationalized Upgraded Middle School, Jhonjha, Block-Minapur, District-Muzaffarpur.
9. Surendra Pandit, Male, aged about 46 years, son of Lakshman Pandit, Resident of Village-Nandna Lautan, P.O. Rampur Hari, District-Muzaffarpur presently working as Block Teacher in Nationalized Upgraded Middle School, Jhonjha, Block-Minapur, District-Muzaffarpur.
10. Pintu Kumar Jha, Male, aged about 31 years, son of Jagnnath Jha, Resident of Village-Banua, P.O. Turki Khararu, P.S. Minapur, District-Muzaffarpur, presently working as Block Teacher in Nationalized Upgraded Middle School, Bhagwan Chapra, Block-Minapur, District-Muzaffarpur.
11. Prakash Kumar Pankaj, Male, aged about 36 years, Son of Ram Pravesh Shahi, Resident of Village and P.O. Harka Mansahi, District-Muzaffarpur, presently working as Panchayat Teacher in Nationalized Primary School, Alineura, Block-Minapur, District-Muzaffarpur.



12. Sudhakar Kumar Jha, Male, aged about 40 years, son of Ramudar Jha, Resident of Village-Banua, P.O. Turki Khararu, P.S. Minapur, District-Muzaffarpur, presently working as Block Teacher in Nationalized Upgraded Middle School, Harpur Baksh, Block-Minapur, District-Muzaffarpur.
13. Ramjee Kumar, Male, aged about 31 years, son of Parshuram Ray, Resident of Village-Sugari Dih, Chak, P.O. Sambhua, District-Sitamarhi, presently working as Block Teacher in Nationalized Middle School, Dharampur, Block-Minapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Muzaffarpur, District-Muzaffarpur.
5. The District Programme Officer (Establishment), Muzaffarpur, District-Muzaffarpur.
6. The Block Development Officer-cum-Secretary, Block Teacher Employment Unit-cum-Executive Officer, Panchayat Samiti, Minapur, District-Muzaffarpur.
7. The Block Education Officer, Minapur, District-Muzaffarpur.
8. The Panchayat Secretary, Gram Panchayat Raj, Ali Neura, Block-Minapur, District-Muzaffarpur.
9. The Headmaster, Nationalized Middle School, Sadhena Madhopur, Block-Minapur, District-Muzaffarpur.
10. The Headmaster, Nationalized Up-graded Middle School, Jhonjha, Block-Minapur, District-Muzaffarpur.
11. The Headmaster, Nationalized Middle School, Kodaria, Block-Minapur, District-Muzaffarpur.
12. The Headmaster, Nationalized Up-graded Middle School, Bhagwan Chapra, Block-Minapur, District-Muzaffarpur.
13. The Headmaster, Nationalized Primary School, Ali Neura, Block-Minapur, District-Muzaffarpur.
14. The Headmaster, Nationalized Middle School, Harpur Baks, Block-Minapur, District-Muzaffarpur.
15. The Headmaster, Nationalized Middle School, Dharampur, Block-Minapur, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
Mr. Abhinav Shandilya, Advocate
For the Respondent/s : Mr. Arvind Kumar, AC to GP 23



CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL JUDGMENT

Date : 23-02-2023

Heard the parties.

2. The petitioners have prayed as under:

*“(I) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to make payment of arrears of salary to the petitioners since the date of their initial joining i.e. from 08/15.06.2015 and onwards as well as current salary to the petitioners interalia on the ground that the petitioners are validly appointed after following the due procedure of selection as prescribed under Bihar Panchayat Elementary Teacher (Appointment and Service Condition Rules, 2012 and Amendment Rules, 2014 and continuously discharging their duties with best of their capacities and to the full satisfaction of the Authorities concerned as well as students and their guardians but in lieu of that no salary is being paid to them for no reason whatsoever.*

*(II) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to make payment of interest over the delayed payment of arrears of salary on the ground that delay in payment of salary is directly attributable to the Respondents.*

(III) For issuance of any other appropriate writ /writs, order /orders, direction /directions for which the writ petitioners would be found entitled under the facts and circumstances of the case.”

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 above, the same directions are held to be applicable in the present case *mutatis mutandis*.

5. In view of the above, the writ petition stands allowed.

(Sanjeev Prakash Sharma, J)

P.Kumar
Item No. 8

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

