

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17607 of 2022

1. Javed Ahmad Son of Late Shah Mohammad Ansari, Resident of Village-Bankul Chapra, P.O.-Chapra Megh, P.S.-Mushahari, District-Muzaffarpur, presently working as Panchayat Teacher, P.s. Malanga Urdu, Block-Bandra, District-Muzaffarpur.
2. Amarjeet Paswan, Son of Ram Bali Paswan, Resident of Village-Kakariya, P.O.-Godanpatti, P.S.-Gaighat, District-Muzaffarpur, presently working as Panchayat Teacher, U.M.S. Kewatsa, Block-Bandra, District-Muzaffarpur.
3. Sajda Khatoon, Wife of Md. Sitare, Resident of Vaishali, P.O., P.s.-Vaishali, District-Vaishali, presently working as Panchayat Teacher, P.s. Govindpur Chapara Purvi, Block-Bandra, District-Muzaffarpur.
4. Nasreen Fatima Wife of Noor Alam, Resident of Ward No. 16, Mohalla-Kamra, Banaras Bank Chowk, Bagwanpur, P.O. and P.S.-Bhagwanpur, District-Muzaffarpur, presently working as Panchayat Teacher, P.s. Govindpur Chapara, Block-Bandra, District-Muzaffarpur.
5. Mahesh Rai, Son of Late Netilal Ray, Resident of Village and P.O.-Loharkha, P.S.-Bandra, District-Muzaffarpur, presently working as Panchayat Teacher, P.s. Govindpur Chapara Purvi, Block-Bandra, District-Muzaffarpur.
6. Raushan Chaudhary, Son of Ramchandra Chaudhary, Resident of Village-Khanejadpur, P.O.-Daud Chapra, P.S.-Minapur, District-Muzaffarpur, presently working as Block Teacher, M.S. Dharpur SC, Block-Minapur, District-Muzaffarpur.
7. Sonu Kumar, Son of Sri Jagdish Singh, Resident of Ward No. 12, Daud Chapra, P.O.-Daud Chapra, P.S.-Minapur, District-Muzaffarpur, presently working as Block Teacher, M.S. Mahdeyian, Block-Minapur, District-Muzaffarpur.
8. Sangeeta Kumari, D/o Sri Lal Babu Bhagat, W/o Sri Ranjan Kumar, Resident of Village-Khanejadpur, P.O.-Daud Chapra, P.S.-Minapur, District-Muzaffarpur, presently working as Block Teacher, M.S. Bandhara, Block-Minapur, District-Muzaffarpur.
9. Ranjeet Kumar, son of Shatrudhan Prasad Singh, Resident of Village and P.O.-Ghosaut, P.S.-Minapur, District-Muzaffarpur, presently working as Block Teacher, M.S. Mallahtoli, Block-Minapur, District-Muzaffarpur.
10. Binod Kumar, Son of Sri Kamal Bhagat, Resident of Village and P.O.-Bhikhanpur, P.S.-Ahiapur, District-Muzaffarpur, presently working as Block Teacher, M.S. Mallahtoli, Block-Minapur, District-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 Block Development Officer, Bandra, P.O. and P.S.-Bandra, District-Muzaffarpur.
5. The Block Development Officer, Minapur, P.O. and P.S.-Minapur, District-Muzaffarpur.
6. The Block Education Officer, Bandra, P.O. and P.S.-Bandra, District-Muzaffarpur.
7. The Block Education Officer, Minapur, P.O. and P.S.-Minapur, District-Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shyama Kant Singh, Adv.
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 03-01-2023 The petitioners by way of this writ petition have
prayed as under :

“..... for issuance of an appropriate writ/writs in nature of MANDAMUS for commanding and directing concern authorities regarding payment of wages/salary from June, 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 withhold the due payment as well as the rights of individuals under Article 23 of the 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.”

The petitioners pray that their salary be released.

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.”

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

The writ petition is allowed accordingly.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 3

U			
---	--	--	--

