

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.243 of 2023

Seema Kumari W/o Yogendra Rajak @ Yogendra Kumar, R/o Mohalla/Village- Sahur, P.S.- Surajgarha,
District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director (Primary Education), Education Department, Government of Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The District Education Officer, Lakhisarai.
5. The District Programme Officer (Establishment), Lakhisarai.
6. The Block Development Officer, Block Chanan, District- Lakhisarai.
7. The Panchayat Secretary, Gram Panchayat Lakhochak Block Chanan, District- Lakhisarai.
8. The Mukhiya Gram Panchayat Lakhochak Block Chanan, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ambrish Kumar Jha, Adv.

For the Respondent/s : Mr. Subhash Chandra Mishra (SC 16)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 20-01-2023

1. Both the counsels agree that the issue raised in the present writ petition stands finally adjudicated 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, which 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.”

2. In view of above, similar directions are issued.

3.The writ petition shall stand allowed *mutatis mutandis*.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 16

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