

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1062 of 2023

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Babu Lal Bhakt @ Babu Lal Bhagat Son of Late Dhanraj Bhakt @ Dhanraj Bhagat Resident of Village- Koyladewa Tola, Senarbari, P.S.- Phulwaria, District- Gopalganj, at Present working as Assistant Teacher, Government Middle School Lamichaur under Bhorey Prakhand, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Saran Division, Chapra, District- Saran.
4. The Deputy Secretary, Department of Education, Govt. of Bihar, Patna.
5. The Regional Deputy Director, Saran Division, Chapra, District- Saran.
6. The Zila Padadhikari, Gopalganj, District- Gopalganj.
7. The District Accounts Officer, Gopalganj, District- Gopalganj.
8. The District Education Officer, Gopalganj.
9. The District Programme Officer (Establishment), Gopalganj, District- Gopalganj.
10. The Block Education Officer, Bhorey, District- Gopalganj.
11. The Treasury Officer, Gopalganj, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suresh Prasad Bhakta, Advocate
For the Respondent/s : Mr.Subhash Chandra Mishra (SC16)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 10-02-2023

Heard the parties.

2. The petitioner prays that his difference of salary be released.

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. 50,0001/- (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. The writ petition is disposed of accordingly.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.19

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