

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5071 of 2020

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Sonal Raj Wife of Amar Kumar Resident of Bachpan House, Hanuman Path,
West Patel Nagar, Patna Police Station- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Higher Education Secondary, Govt. of Bihar, Patna.
2. The District Education Officer, Patna.
3. The District Programme Officer, Patna (Establishment), District- Patna.
4. Patna Municipal Corporation, through its Chief Executive Officer, Patna.
5. Patna Nagar Higher Secondary Teachers Appointment Committee through Member Secretary-Cum District Education Officer, Patna.
6. The Principal, Patna Collegiate School, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jagdish Prasad Singh, Advocate
For the State	:	Mr. Jitendra Kr. Roy 1 (SC-13)
For the Municipal Corp.	:	Mr. Prabhakar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 11-12-2024 Indisputably, the petitioner is a teacher of Patna Collegiate School. It is pertinent to mention at the outset that the petitioner previously filed a writ petition being CWJC No.11285 of 2018 praying for leave salary during her maternity leave. The said writ petition came up for consideration on 21.02.2019 by a Coordinate Bench, when the petitioner was directed to submit a representation before the respondent No.2, District Education Officer, Patna, who would disposed of the same in accordance with law, within a specific period of time.

2. The petitioner submitted her representation before



the concerned Authority and the District Education Officer, Patna disposed of the said representation acknowledging the petitioner's claim for salary during her maternity leave. She also informed the petitioner that the Chief Manager, State Bank of India, Secretariat Branch, Patna has been advised to disburse salary during maternity leave of the petitioner in the account of the petitioner.

3. It is not in dispute that the petitioner received the amount, which has been decided to be paid by the District Education Officer, Patna. Now the grievance of the petitioner is that while disposing of the said representation the arrear salary of the petitioner was not properly considered because the petitioner's salary during her maternity leave w.e.f. 01.03.2014 to 11.07.2014 was fixed at Rs.12,000/- per month. Thereafter, from 01.11.2014 to 31.10.2017 she was on study leave without pay, so admittedly her salary during the said period was not paid. For the subsequent period also from December, 2017 to July, 2019, the salary of the petitioner was fixed at Rs.12,000/- per month without any increment or increase and she was paid the sum total of the said amount.

4. It is contended on behalf of the petitioner that during the period from November, 2017 to December, 2017 and



from January 2018 to July, 2018 gross salary of other teachers was Rs.21,542/- from August, 2018 to December, 2018 the gross salary was enhanced to Rs.28,275/- from January, 2019 to February, 2019, the gross salary was Rs.29,100/- and from March 2019 to May, 2019 it was increased to Rs.29,775/-. It is the case of the petitioner that she is entitled to get her arrear salary under the said rate.

5. It is submitted by the learned Advocate on behalf of the State-Respondents that Annexure-13 is not an authenticated document because it was a purported statement of salary stated by the petitioner on the basis of her information derived from other teachers. The pay slip of the other teachers has not been annexed. Therefore, the Court cannot pass any specific direction on Annexure-13.

6. The learned Advocate on behalf of the respondent No.4-Patna Municipal Corporation, submits that the corporation shall comply with the order passed by the State Government, therefore, corporation does not have any decision making power and whatever decision be taken by the State Government in this regard, would be implemented by the Corporation.

7. Having heard the submission made by learned Advocate for the petitioner and on perusal of the impugned



order (Annexure-9 of the writ petition), one thing surprises this Court that the District Education Officer, Patna prepared a statement of salary of the petitioner from February, 2014 to October, 2014 and again from December, 2017 to July, 2019. It is surprising to note that there is no remark regarding basic pay, grade pay and the dearness allowance. It is also not mentioned as to whether the petitioner is entitled to house rent allowance, medical allowance or other special allowances or not, those columns are left blank. On the other hand, the Annexure-13 states the basic pay with dearness allowance, grade pay and other allowances, and the gross salary of the teachers is stated.

8. In view of such circumstance, the District Education Officer, Patna is under obligation to come to a specific finding as to the gross salary of the petitioner during the period for which her salary was admissible, calculating the basic pay, grade pay, if any, dearness allowance, if any, and other allowances, if any.

9. Under such circumstances, this Court is of the view that further exercise by the District Education Officer, Patna is necessary and Annexure-10 & 11 prima-facie do not contained the real state of the arrear salary of the petitioner.

10. For the reasons stated above, Annexure-10 & 11



passed by the District Education Officer, Patna are quashed and set aside.

11. The District Education Officer, Patna is directed to recalculate and reassess the gross salary of the petitioner during the above-mentioned period, taking into consideration, all the components of pay and allowances and pass a reasoned order within 60 days from the date of this order.

12. With the above orders, the instant writ petition is thus, disposed of.

(Bibek Chaudhuri, J)

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