

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4984 of 2024

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- 1 . Shilpa Kumari Wife of Sri Rajesh Raushan, Resident of Village- Bhaawani Bigha, P.O. - Apsand, P.S. - Warsaliganj, District- Nawada, Presently working as Block Teacher in Middle School, Bindi Dih, Block - Silao, Nalanda.
 2. Shiv Kumar Chaudhary, Son of Sri Saryug Chaudhary, Resident of Village and P.O.- Pahariya, P.S. - Shekhopur Sarai, District- Sheikhpura, Presently working as Panchayat Teacher in Primary School, Chamardiha, Block - Silao, Nalanda.
 - 3 . Amarjeet Kumar, Son of Sri Lal Krishna Prasad, Resident of village - Saindih, P.O. - Pyarepur, P.S.- Giriyak, District- Nalanda, Presently working as Block Teacher in Urdu Upgraded Middle School, Badakar Block - Silao, Nalanda.
 4. Vimal Chaudhary, Son of Sri Jagdish Chaudhary, Resident of Village- Mir Bigha, P.O. - Lal Bigha, P.S.- Shekhopur Sarai, District- Sheikhpura, Presently working as Panchayat Teacher in Primary School, Koiliya, Block - Islampur, Nalanda.
 - 5 . Pawan Kumari, Daughter of Sri Birbal Prasad Yadav, Resident of Village- Gandhi Nagar, P.O. - Vele, P.S. - Parwalpur, District- Nalanda, Presently working as Panchayat Teacher in Primary School, Rupanchak, Block - Islampur, Nalanda.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The District Education Officer, Nalanda.
- 3 . The District Programme Officer (Establishment), Nalanda.
4. The Block Development Officer, Silao, P.O. and P.S. - Silao, District - Nalanda.
- 5 . The Block Education Officer, Silao, P.O. and P.S. - Silao, District - Nalanda.
6. The Block Panchayati Raj Officer, Islampur, P.O. and P.S. - Islampur District - Nalanda.
7. The Block Education Officer, Islampur, P.O. and P.S. - Islampur District - Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate Mr. Shayama Kant Singh, Advocate
For the Respondent/s	:	Mr. mr. Manoj Kumar Sinha, AC to GA 9

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH



ORAL ORDER

2 29-10-2024

Heard learned counsels for the parties.

2. By way of this writ application, the petitioner has prayed as under :-

“1. That the present writ petition is being preferred for issuance of an appropriate writ/writs in nature of MANDAMUS for commanding and directing concern authorities regarding payment of wages/salary from June 2023 til date to petitioner Nos. 1 and 2, May 2023 till date to petitioner No. 3 , September 2023 till date to petitioner No. 4 and October 2023 till date to petitioner No. 5 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 withholds the due payment as well as the rights of individuals under Article 23 of Constitution of India as well as further prayer 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.”

3. The petitioners pray that their salary be released, keeping in view the observations made by this Hon'ble Court in the case of ***Pallavi Kumari Vs. State of Bihar & Ors.*** arising out of ***C.W.J.C No. 22186 of 2019*** and analogous cases.

4. This Court, vide order dated 29.11.2022 passed in ***C.W.J.C No. 22186 of 2019*** and analogous cases 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.”



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

6. With the aforesaid observations and directions, this writ application is allowed accordingly.

(Prabhat Kumar Singh, J)

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