

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6926 of 2023

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Sanjay Kumar Pandey Son of Sri Lalan Pandey, Resident of Village-Girdhar Prasad, P.O.-Bhagwat Prasad, P.S.-Phulwariya, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The District Education Officer, Gopalganj.
4. The District Programme Officer (Establishment), Gopalganj.
5. The Block Education Officer Phulwariya, District-Gopalganj.
6. The Panchayat Secretary, Gram Panchayat Raj, Churamanchak, Anchal-Phulwariya, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate
		Mr. Shyama Kant Singh, Advocate
For the Respondent/s	:	Mr. Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-11-2024 Heard learned counsel for the parties.

2. The present application has been filed for directing the respondent authorities to accept the joining of petitioner on the post of Panchayat Siksha Mitra in Government Primary School Murarbatrahar, Anchal- Phulwariya, District- Gopalganj, which has been submitted by petitioner on 28.04.2003 on the basis of medical certificate and to pay the salary and other entitlements to the petitioner.

3. The petitioner 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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