

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8249 of 2024

1. Chandra Shekhar Sahni Son of Sri Mahavir Sahni, Resident of Village- Hassanpur Surat, P.S.- Patory, District- Samastipur.
2. Navin Kumar Sharma, Son of Sri Radha Raman Sharma, resident of Village and P.O.- Goregama, P.S.- Patory, District- Samastipur.
3. Manoj Kumar Sah, Son of Late Jamun Sah, resident of Village and P.O.- Bahadurpur, P.S.- Patory, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
4. The District Education Officer, Samastipur.
5. The District Programme Officer (Establishment), Samastipur.
6. The Block Development Officer, Patory, District- Samastipur.
7. The Block Education Officer, Patory, District- Samastipur.
8. The Headmaster, Middle School, Patory, District- Samastipur.
9. The Headmaster, Middle School, Dhamaun, District- Samastipur.
10. The Headmaster, Middle School, Supaul, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Arvind Kumar Sinha, Advocate
For the State	:	Mr. Government Pleader 6

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2024 Heard learned counsels for the parties.

2. This writ application has been filed for the following relief/s:-

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of mandamus commanding and directing upon the respondents to continue/treat the services of the petitioners from the



period 26.10.2007 to 30.11.2021 taking into the consideration that they have not been terminated and remained in service.

- (ii) To direct the respondents to make the payment of arrears of salary for the period abovementioned to the petitioners who have been validly appointed in terms of Bihar Panchayat Elementary Teachers (Service and Conditions) Rules 2006.*
- (iii) To direct the respondents to make the payment of salary of the petitioners of Graduate trained @ 11,000/- interms of Bihar Elementary Teachers (Service and Conditions) Amendment Rules 2012.*
- (iv) To direct the respondents to make the payment of penal interest to the petitioners on the above-mentioned admitted/admissible dues on account of delay and latches on the part of respondents.*
- (v) To any other reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.”*

3. Learned counsel appearing on behalf of the petitioners submits that Petitioner No. 1 was appointed as Block Teacher in Patori Block vide Letter No. 1332 dated 29.11.2006 and was directed to join at Government Middle School, Supaul, Petitioner No. 2 was appointed as Block Teacher in Patori Block vide Letter No. 1389 dated 13.12.2006 and was directed to join at Government Middle School, Patori and Petitioner No. 3 was appointed as Block Teacher in Patori Block vide Letter No. 243 dated 14.02.2007 and was directed to join at Government Middle School, Dhamaun and subsequently, petitioners joined at their respective schools and were discharging their duties. Thereafter, all of a sudden, vide Letter No. 291 SSA dated



26.10.2007 issued under the signature of Block Education Extension Officer, Patori, appointment of the petitioners on the post of Block Teacher was been cancelled. Thereafter, petitioners approached this Hon'ble Court by filing writ petition bearing *C.W.J.C. No. 7358 of 2012* which stood disposed of vide judgment dated 06.08.2018 and pursuant to the aforesaid order, petitioners made representation before the District Programme Officer (Establishment), Samastipur on 31.08.2018 requesting to pass appropriate orders in light of the order dated 06.08.2018 passed by this Hon'ble Court in *C.W.J.C. No. 7358 of 2012*. Thereafter, the Secretary, Block Teachers Employment Unit-cum-Block Development Officer, Shahpur, vide Memo No. 1035 dated 30.11.2021 (Copy of which has been annexed as Annexure-P/9 to this writ application), allowed the petitioners to join on the post of Block Teacher in the previous schools they were posted. Thereafter, on 01.12.2021, petitioners joined back the services at their respective schools. It is in this background, learned counsel for the petitioners submits that petitioners are entitled for payment of salary from 26.10.2007 till the date of their reinstatement.

4. On the other hand, a counter-affidavit has been filed in this case on behalf of Respondent No. 5. In Paragraph



No. 10 of the said counter-affidavit it is stated that on the basis of principle of no work no pay, petitioners cannot be paid any amount for the period as during the aforesaid period, these petitioners were not performing the duties of teachers and were removed from services. In identical matter arising out of *C.W.J.C. No. 13944 of 2022*, this Court vide order dated 24.02.2023 was pleased to dismiss the same holding that having been reinstated does not lie to turn around and claim salary for the period they have not worked. Copy of the said order is Annexure-R/1 to the counter-affidavit filed on behalf of Respondent No. 5.

5. Having heard the rival submissions advanced on behalf of the parties, facts and circumstances of the case and the law laid down by a Co-ordinate Bench of this Hon'ble Court passed in *C.W.J.C. No. 13944 of 2022*, this Court does not find any merit in the instant writ application.

6. Accordingly, this writ application is dismissed.

(Prabhat Kumar Singh, J)

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