

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10675 of 2019

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1. Abdul Haleem Son of Shri Abdul Majid, Resident of U.M.S. Lalilewar Ganda, Block- Sono, District- Jamui.
 2. Md. Raihan Raza, Son of late Sadique Hussain, Resident of M.S. Adsar, Block Jamui, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources, Govt. of Bihar, Patna.
2. The Joint Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Research and Training, Department of Education, Govt. of Bihar, Patna.
4. The District Education Officer, Jamui.
5. The District Programme Officer, (Establishment), Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Tej Bahadur Singh, Sr. Adv. Mr. Brisketu Kr. Pandey, Adv.
For the Respondent/s	:	Mr. Madhukar Mishra, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 22-04-2024 Heard learned Senior counsel for the petitioners and
learned counsel for the State.

2. This writ petition has been filed for the following
reliefs:

*I. To issue a writ in the nature of
mandamus commanding the Respondent
No. 4 and 5 to pay salary in favour of
the petitioner no. 1 w.e.f. 1st November,
2018 and in favour of the petitioner no.
2 w.e.f. 1st March, 2019, as the
petitioners were appointed by virtue of
the office orders dated 30.06.2018*



bearing Memo No. 1020 (Annexure-P/1) and office order dated 30.06.2018 bearing Memo No. 1021 (Annexure-P/2), but the Respondents No. 4 and 5, without any statutory authorization withheld the salary of the petitioners.

II. To issue a writ in the nature of mandamus commanding the Respondents No. 4 and 5 to pay salary in favour of the petitioner no. 1 w.e.f. 1st November, 2018 and in favour of the petitioner no. 2 w.e.f. 1st March, 2019.

III. Any other relief or reliefs.

3. During pendency of this application, learned counsel for the petitioners has filed I.A. No. 03 of 2024 praying for addition of paragraph no. 1A in the relief, which is as follows:

1A. For issuing writ of mandamus or direction to the Respondent for releasing the back wages of the petitioners from the date of their initial appointment.

4. Learned counsel for the petitioners submits that the Respondent No. 5 issued a letter vide memo no. 376/Jamui dated 29.01.2024 for reinstating the petitioners into service in compliance of the order dated 01.01.2024 issued by the Director, Primary/Elementary Education, Education



Department, Bihar. The service of the petitioners has been reinstated from the date of his initial appointment but there is no direction for payment of the back wages in the said letter.

5. Considering the submissions of the learned counsel for the petitioners and the materials available on record, I am of the opinion that the petitioner no. 1 is entitled for back wages from the date of their initial appointment i.e. 01.11.2018 and petitioner no. 2 from 30.05.2019.

6. Accordingly, this writ petition is allowed with a direction to the respondents to pay the arrears of salary of the petitioner no. 1 and 2 from 01.11.2018 and 30.05.2019 respectively within a period of eight weeks from the date of receipt/production of a copy of this order.

7. Interlocutory application(s), if any, stands disposed of.

(Anjani Kumar Sharan, J)

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