

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1737 of 2021

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Mamta Kumari W/o Munna Prasad Yadav, resident of Village and P.O. Rustampur, P.S. - Raghapur, District - Vaishali, Hajipur. At present residing at Sanjay Nagar, Road No. 2, Bigrahpur, P.O. - G.P.O, P.S. Jakkanpur, Town and District – Patna. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Secondary Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Primary Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Vaishali at Hajipur.
5. The District Education Officer, Vaishali at Hajipur.
6. The Block Development Officer-cum-Secretary, Block Education Scheme, Unit, Raghapur Block, District - Vaishali.
7. The Block Education Officer, Raghapur Block, District - Vaishali.
8. The Panchayat Secretary, Gram Panchayat, Rustampur, Raghapur, Dist. - Vaishali.
9. The Head Master, Rajkiya Middle School, Rustampur, Jamalpur, Raghapur Block, District - Vaishali.

... .. Respondents.

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 28-02-2024

Re.: I.A. No.1 of 2023

Heard learned counsel for the petitioner and learned counsel for the State on the aforesaid interlocutory application.

2. The instant interlocutory application has been filed for amending the prayer as well as the relief portion by adding the relief seeking quashing of the Memo No.33 dated 16.04.2018, issued under the signature of Block Development Officer, Raghapur, Vaishali by which the appointment of the



petitioner has been set aside.

3. Having heard learned counsel for the parties, I.A. No.1 of 2023 is allowed and the order dated 16.04.2018, Annexure-12 to the writ application, passed by the Block Development Officer, Raghapur, Vaishali is set aside.

C.W.J.C. No.1737 of 2021

4. The petitioner has moved before this Court for payment of the salary from the date of joining i.e. 07.02.2006 till date which has not been paid despite the orders dated 16.07.2016 and 02.08.2017 passed by the District Teachers Appellate Authority, which was stopped without any rhyme and reason and also to command the respondents to pay the interest on the dues of the salary from the date of dues till the date of payment. Other ancillary relief has also been prayed.

5. The petitioner was appointed as Prakhnad Teacher vide Memo No.04 dated 06.02.2006 and joined on 07.02.2006 and working since then to the satisfaction of her authorities. Except for some days, due to illness, the petitioner continuously worked but the salary of the petitioner was not paid by the respondents. For payment of her arrears of salary, the petitioner moved from one authority to another and finding no hope, she filed a writ application, being C.W.J.C. 7753 of



2015, before this Court and this Court vide order dated 04.05.2016 dismissed the writ application enabling the petitioner to move before the District Teachers Appellate Authority (hereinafter referred to as the 'Appellate Authority'). The petitioner moved before the Appellate Authority vide Case No.21 of 2015 and by order dated 16.07.2016, the Appellate Authority directed the respondents to make the payment of the salary of the petitioner after a proper enquiry within a period of one month and also to file affidavit after compliance. When the aforesaid order of the Appellate Authority was not complied with, the petitioner again knocked the door of the Appellate Authority for compliance of the order dated 16.07.2016 vide Case No.RGP-39/2016. The Appellate Authority, vide order dated 02.08.2017, contained in Memo No.131, directed the respondent-Block Development Officer-cum-Secretary Block Education Scheme Unit, to pass a clear order after hearing the parties within a month and also to ensure the payment of the salary of the petitioner.

6. The grievance of the petitioner is that after the orders passed by the Appellate Authority, the arrears of salary of the petitioner has not been paid as yet, which depicts a very sorry state of affair.



7. In that view of the matter, I direct the petitioner to file a fresh representation before the Block Development Officer-cum-Secretary, Block Education Scheme Unit, Raghapur Block, District Vaishali (respondent no.6) along with a copy of this order and also annexing the documents in proof thereof that she has attended the school in that period as also annexing the relevant documents within a period of four weeks from today. Respondent no.6 is well advised to consider the case of the petitioner in the light of the order dated 02.08.2017 passed by the Appellate Authority in Case No.RGP-39/2016 and pass reasoned and speaking order within four weeks thereafter.

8. It is made clear that the Block Development Officer-cum-Secretary, Block Education Scheme Unit, Raghapur Block, District Vaishali (respondent no.6) shall be personally liable for non-compliance of this order within the stipulated period.

9. With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.03.2024
Transmission Date	NA

