

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2889 of 2021

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Nilam Kumari W/o-Late Binod Kumar Jha R/o-Vill-Gangapur, P.O.-Waini,
P.S.-Waini, District-Samastipur. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna
 2. The Director, Primary Education, Govt. of Bihar, Patna.
 3. The District, Primary Education, Govt. of Bihar, Patna.
 4. The District Programme Officer (Eatt.), Samastipur.
 5. The Block Development Officer, Block-Bibhutipur, District-Samastipur.
 6. The Block Education officer, Block-Bibhutipur, District-Samastipur.
- Respondents.

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 06-03-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. By the present writ application, the petitioner
prays for the following reliefs:

*(i) To direct the respondents to pay
the arrears of salary with effect from
May, 2018 till date with appropriate
statutory interest to the petitioner
who is working on the post of Block
Teacher in Upgraded Middle School,
Bibhutipur, Block Bibhutipur, District
Samastipur.*



(ii) To direct the respondents to pay the arrears of salary w.e.f. July 2017 to January 2018 to the petitioner when she was on medical leave due to severe accident and was admitted in hospital for her treatment.

(iii) To direct the respondents to fix the pay scale of petitioner as per the seventh pay revision and be further direct to pay her salary as also the difference of salary as per her entitlement accordingly.

3. The petitioner was appointed on the post of Block Teacher on compassionate ground in the place of her deceased husband. She joined on 11.09.2014 in the Upgraded Middle School, Bibhutipur. The petitioner was getting her regular salary but all of a sudden in May, 2018, the salary of the petitioner was stopped without giving any reason. The Block Education Officer issued show cause to the petitioner about her certificates of Up-Shastri from unrecognized institution. The petitioner replied to the said show cause on 27.12.2018. Despite several applications being filed by the petitioner to the authorities concerned and after moving from pillar to post, the salary of the petitioner has not been resumed. Hence, this writ application.



4. A counter affidavit filed by respondent no.6 is on record in which it is, *inter alia*, submitted that the employment of the petitioner was made by the Block Employment Unit against the Rule 6 (ii) of the Bihar Panchayat Employment Rule, 2012 and hence the petitioner is not entitled for payment of salary.

5. It appears that the petitioner was appointed in place of her husband on compassionate ground and has joined on the direction of the respondent authorities. Respondent no.6 has raised question that the petitioner was not eligible for appointment on the post of General Block Teacher rather she should be appointed against the post of Sanskrit Teacher, in view of Rule 6 (ii) of the Bihar Panchayat Primary Teacher Rule, 2012.

6. Having heard learned counsel for the parties, in my view, it was the duty of the respondents to direct the petitioner for joining in the specific school and the petitioner was not at fault for her joining as General Block Teacher. She acted upon the direction given to her with regard to joining. She is regularly working but is not being paid his due salary.

7. It is surprising to note here that the petitioner is working up till now but salary is not being paid to her from



May, 2018. Learned counsel for the State has also conceded to the aforesaid fact that petitioner is working but salary is not being paid to her. The only ground taken for non-payment of her due salary is that she was appointed as General Block Teacher and for this she cannot be blamed.

8. In such of the matter, I have no option but to allow this writ application with a direction to the respondents to pay the salary of the petitioner from May, 2018 to up till now within three months. The arrears of salary, if any, shall also be paid to her after verifying the medical leave etc within the aforesaid period.

9. It is made clear that respondent no.3 shall be solely responsible for non-compliance of this order.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.03.2024
Transmission Date	NA

