

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15872 of 2023**

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Mukesh Prasad Ram Son of Late Taarni Prasad Ram, Resident of Village -  
Sikandarpur, Police Station - Mojahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department,  
govt. of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Director (Administration)-cum- Additional Secretary, Education Department,  
Govt. of Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The District Programme Officer, Establishment, Bhagalpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate  
For the Respondent/s : Mr. Jitendra Kumar Roy-1, SC-13

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL JUDGMENT**

**Date : 15-04-2024**

Heard learned counsels for the parties.

2. In compliance of the order dated 08.04.2024, the District  
Education Officer, Bhagalpur (respondent no.5) is personally  
present before the Court.

3. By the present writ application, the petitioner prays for  
issuance of a direction to respondent authorities to make payment  
of salary including arrears of salary from December, 2021 as well  
as current salary in the light of direction as contained in memo no.  
318 dated 21.03.2023 issued by the Education Department.

4. Learned counsel for the petitioner has filed a  
supplementary affidavit as well as learned counsel for the State has  
also filed a counter affidavit in the present case.



5. Let both these be kept on record.

6. Learned counsel for the petitioner submits that during the pendency of the present writ application, the District Education Officer, Bhagalpur vide memo no. 1206 dated 09.04.2024 has granted approval for payment of salary to the petitioner. Accordingly, salary bill was passed on 10.04.2024 and payment has been credited in the salary account of the petitioner on 13.04.2024. However, it appears that against the arrears of salary of twenty eight months i.e. from December, 2021 to March, 2024, the petitioner has been paid for twenty four months only, for the reasons known to the authorities themselves. Thus, the petitioner has not been paid arrears of salary for four months, without any reason.

7. Learned counsel for the respondent no.5 submits that the salary of the petitioner has been stopped on account of verification of the documents but, after verification and order of this Court, the due salary of the petitioner was sanctioned and send to the Treasury Officer, Bhagalpur and, thereafter, a sum of Rs. 13,37,480/- has been credited in the salary account of the petitioner on 13.04.2024.

8. I have heard the learned counsel for the parties and perused the materials available on record. It appears that the arrears of salary of the petitioner was due for twenty eight



months i.e. from December, 2021 to March, 2024, but he has been paid for twenty four months only and the salary of the four months is withheld by the authorities.

9. Having regard to the facts and circumstances of the case, this writ application is disposed of with a direction to respondent no.5 to pay the arrears of salary of four months to the petitioner within a period of two weeks from the date of receipt/production of a copy of this order before him.

10. It is made clear that respondent no.5 shall be solely liable for non-compliance of this order within the stipulated period.

11. The personal appearance of respondent no.5 is dispensed with.

**(Anjani Kumar Sharan, J)**

divyanshi/-

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| AFR/NAFR          | NAFR       |
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