

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21680 of 2019

Sita Devi wife of Shivdhari Baitha resident of Village- Jaysinghpur, P.S. Sikta, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
4. The Examination Controller of Bihar Sanskrit Shiksha Board, Patna.
5. The Collector, West Champaran, Bettiah.
6. District Education Officer, West Champaran, Bettiah.
7. The District Programme Officer, (Establishment), West Champaran, Bettiah.
8. The Block Education Officer, Sikta, District- West Champaran, Bettiah.
9. The Block Development Officer, Sikta, District- West Champaran, Bettiah.
10. The Mukhiya, Gram Panchayat Raj, Sugaha Bhawanipur, Block- Sikta, District- West Champaran, Bettiah.
11. The Headmaster, Rajkiya Primary School, Satbariya, Block- Sikta, District- West Champaran, Bettiah.
12. The Secretary, Gram Panchayat Raj, Sugaha Bhawanipur, Block- Sikta, District- West Champaran, Bettiah.
13. The Headmaster, Jagdish Yogendra Sanskrit Madhymik School, Madhopur, Musaharwa, P.O.- Chhaurahiya, Block- Bathnaha, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Adv.
Mr. Indu Bhushan, Adv.
For the Respondent/s : None.
For the Sanskrit Shiksha Board Mr. Chandra Shekhar Kr. Singh.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-12-2024 1. Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Bihar Sanskrit Siksha Board.

No one appears on behalf of the State.

2. The learned counsel for the petitioner submits that the instant writ application has been filed seeking a writ of mandamus commanding the respondents for a direction to pay



the withheld salary of the petitioner since October, 2018 uptill now which has been withheld by the District Program Officer (Establishment), West Champaran, Bettiah vide letter no.544 dated 18.02.2019 (Annexure-3), in the light of the direction of Director, Primary Education, Department of Education, Bihar, Patna issued vide Memo No.533 dated 26.11.2018. The learned counsel submits that petitioner was appointed as a Panchayat Teacher at Rajkiya Primary School, Satbariya vide Memo No.38 dated 15.01.2007 issued under the signature of the Secretary, Gram Panchayat Raj, Sugaha Bhawanipur, Block-Sikta, West Champaran, Bettiah as would manifest from Annexure-1 to the writ application. The petitioner accordingly gave her joining before the Headmaster, Rajkiya Primary School, Satbariya, Gram Panchayat Raj, Sugaha Bhawanipur, Block-Sikta, District-West Champaran, Bettiah on 16.01.2007. It is submitted that petitioner since 16.01.2007 till date has been discharging her duty as a teacher but all of a sudden, in light of the Memo dated 26.11.2018, issued by the Director, Primary Education, Department of Education, Government of Bihar, Patna, the District Program Officer (Establishment), West Champaran, Bettiah vide his letter dated 18.02.2019 withheld the salary of the petitioner since October, 2018.



3. The learned counsel submits that on one hand the salary of the petitioner has been withheld since October, 2018 but on the other hand the authorities are taking work from the petitioner but are not paying her legitimate salary. It is also submitted that merely because the salary has been withheld that in itself does not demonstrate that the appointment was bad for any reason in absence of any decision taken. It is next submitted that the petitioner had represented before the Director, Primary Education, Bihar, Patna vide his representation dated 19.09.2019 (Annexure-11) for a direction upon the District Program Officer (Establishment), West Champaran to release the salary of the petitioner after due verification of her educational certificate by the competent authority. The learned counsel next submits that prior to the petitioner representing before the Director, Primary Education, Bihar, Patna had also represented before the District Program Officer (Establishment), West Champaran, Bettiah vide his representation dated 05.08.2019 (Annexure-10) claiming the said relief but then the authorities are sitting tight over the matter and the petitioner is running from pillar to post and is still discharging her duties in the school but is not being paid.

4. No one appears on behalf of the State. The learned



counsel for the Bihar Sanskrit Siksha Board is present.

5. The learned counsel appearing on behalf of the Bihar Sanskrit Siksha Board submits that the certificate, based on which, the petitioner sought her appointment as Panchayat Teacher appears to be forged for the reason that there is a difference in the role code mentioned in the certificate submitted by the petitioner for seeking appointment and the certificate of the petitioner lying with the Bihar Sanskrit Siksha Board.

6. The learned counsel for the petitioner rebutting the said submission of the learned counsel appearing on behalf of the Bihar Sanskrit Siksha Board submits that if the petitioner has obtained her appointment, based on forged and fabricated certificate, in that event, the authorities should take a decision, in accordance with law, but they cannot leave the fate of the petitioner hanging in air without deciding the issue that as to whether the petitioner had obtained appointment based on forged, fabricated or a genuine certificate. It is also submitted that if the authorities are so convinced that petitioner had obtained her appointment, based on forged and fabricated certificate, in that event, why till date her services has not been terminated.

7. The argument made by the learned counsel



appearing on behalf of the petitioner appears to be correct for the reason that if authorities have withheld the salary of the petitioner since October, 2018 then why they are sitting over the matter and allowing the petitioner to work which amply demonstrates that the authorities in a way are trying to help the petitioner as from the counter affidavit filed on behalf of the State, which is on record, it manifests that in the counter affidavit also it has been averred that there is a difference in the role code in the certificate submitted by the petitioner for seeking appointment.

8. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Director, Primary Education, Government of Bihar, Patna to forthwith act in accordance with law and to ensure that final decision in the case of the petitioner is taken preferably within a period of three months from the date of receipt/production of a copy of this order.

9. The writ application stands disposed of with aforesaid direction.

(Satyavrat Verma, J)

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