

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1691 of 2020

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Kumari Shobha Sharma W/o Virendra Kumar, Resident of Village- Chailaha,
P.S. Banjaria, District- Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Deputy Director, Primary Education, Govt. of Bihar, Patna.
5. The Commissioner, Tirhut Pramandal, Muzaffarpur.
6. The District Magistrate, Motihari, East Champaran.
7. The District Education Officer, Motihari, East Champaran.
8. The District Programme Officer (Establishment), Motihari, East Champaran.
9. The District Programme Officer, Banjaria, District- East Champaran.
10. The Block Education Extension Officer, Banjaria, District- East Champaran.
11. The Mukhiya, Gram Panchayatn Raj Chailaha, Block- Banjaria, District- East Champaran.
12. The Panchayat Secretary, Gram Panchayatn Raj Chailaha, Block- Banjaria, District- East Champaran.
13. The Headmaster, New Primary School, Chailaha, Pakaria, Ward No. 1, Block Banjaria, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh Mr.Umesh Chandra Verma
For the Respondent/s	:	Mr.Kameshwar Kumar (Gp17)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner filed a hard copy of the
rejoinder in the Court today. Let it be kept on record.

3. The present writ application has been filed for the



following relief/s:-

“(i) For issuance of writ/writs, order/orders of mandamus commanding the respondents to pay the salary of the petitioner from April 2018 onwards and to proceed strictly in accordance with the law.

(ii) For issuance of writ/writs, order/orders to command the respondent concerned to release the due salary of the petitioner and follow the Hon’ble Court order in CWJC No.1573/2013 dated 28.02.2014.”

4. Learned counsel for the petitioner submits that till date the petitioner is working in the School but no payment has been made.

5. An Interlocutory application has been filed on behalf of the petitioner bearing I.A. No.01/2024, for seeking amendment by adding a prayer in the prayer portion of the main writ petition which reads as “The petitioner prays for direction to respondent authorities to make payment of difference amount of arrears of salary for the period from March 2018 to December, 2022 and complete salary from January, 2023 onwards.”

6. It is submitted that the petitioner has received part of the salary for the period from May, 2018 to March, 2022 amounting to Rs.757029/- only on 10.04.2023 on the basis of statement



made by Headmaster of the school. The petitioner is a trained teacher and she is entitled for salary admissible to trained teacher. The petitioner has prepared calculation chart showing the paid amount and admissible amount of salary for the period May, 2018 to December, 2022 and the difference amount of arrears of salary comes to Rs.6,26,246/- only, which has not been paid to the petitioner. It is submitted that the petitioner represented before the authorities on 21.07.2023, 29.08.2023 and 29.11.2023 for payment of difference amount of arrears of salary.

7. Under the aforesaid facts and circumstances, the petitioner is directed to file a fresh representation along with all supportive documents before the respondent no.8 within a period of two weeks from today and the respondent no.8 is well advised to pass a reasoned and speaking order. If petitioner is found working, then the arrears of salary must be paid to her within a period of ten weeks from the date of filing of representation of the petitioner. An opportunity of hearing should be provided to the petitioner or her counsel before passing an order.

8. It is made clear that, if this order is not complied with, the respondent no.8 shall be personally held liable.



9. Accordingly, with the aforesaid directions, I.A. No.1/2024 and this writ application are disposed of.

Re:- I.A. No.2 of 2024

10. Learned counsel for the petitioner seeks not to press this Interlocutory Application.

11. It is accordingly dismissed as not pressed.

(Anjani Kumar Sharan, J)

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