

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1884 of 2025

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Md. Meraj Alam Son of Md. Abdul Rafique Ansari, Resident of Village-
Datraul, Police Station- Pakribarawan, District- Nawadah, Presently posted as
Graduate Grade Urdu Teacher in Upgraded Middle School, Sarkatti, Block-
Kashichak, District- Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education
Department, Government of Bihar, Patna.
2. The District Education Officer, Nawadah.
3. The District Programme Officer (Est)., Nawadah.
4. The Block Development Officer- cum- Secretary, Block Teachers
Employment Unit, Kashichak, District- Nawadah.
5. The Block Development Officer, Kashichak, District- Nawadah.
6. The Headmaster Upgraded Middle School, Sarkatti, Block- Kashichak,
District- Nawadah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Anwar Karim, AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-02-2025 Heard Mr. Arun Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Anwar Karim learned AC to GP
10 for the State.

2. Petitioner is aggrieved for non-payment of dues
salary for the period from 01.04.2017 till the period the
petitioner remained under suspension. It is the case of the



petitioner that petitioner was suspended *vide* order contained in Memo No.47 dated 17.01.2018 by the Block Development Officer, Kashichak and no disciplinary action was taken against the petitioner, much less even the show cause was not issued to the petitioner, what to talk about framing of charge memo as per the provision of Bihar Panchyat Primary Teachers (Employment and Service Conditions) Rules, 2012 which has been framed as per the requirement of Article 309 of the Constitution of India and, as such, the mandate contained in Article 311 of the Constitution of India is required to be followed. However, suspension of the petitioner was revoked on 27.06.2022 by the Block Development Officer, Nawadah as would appear from Annexure P/5. Learned counsel in these backgrounds submitted that the District Programme Officer (Establishment) is the competent authority to make payment of dues salary to the petitioner for the period of suspension, the petitioner has been put illegally by the Block Development Officer, without there being any recommendation of the Panchayat Samiti.

3. *Per contra*, learned counsel appearing on behalf of the State submitted that no doubt the petitioner has been put under suspension for the serious allegation, which require



disciplinary action against the petitioner, however, no action was taken against the petitioner and in that view, the suspension order of the petitioner was revoked. The petitioner, who has not suffered penalty, is only entitled for subsistence allowance for the said period and his claim for the full salary is not sustainable.

4. Having considered the rival submissions made on behalf of the parties, as well as, having taken note of suspension order, it can only be said that Block Development Officer for the reason best known to him, has put the petitioner under suspension on 17.01.2018 in contemplation of the disciplinary proceeding to be initiated against the petitioner. The petitioner remained under the suspension for long period till 27.06.2022. The revocation order was communicated *vide* Memo No.390 dated 13.06.2022. The petitioner, thereafter, was notified to join at Upgraded School, Wazitpur, Block Kashichak, District, Nawadah and where he is regularly performing his duty at Upgraded Middle School, Sarkatti.

5. It is admitted that the petitioner was posted during the period of suspension in the office of Block Education Officer, Kashichak. It has been informed on behalf of the petitioner that the Block Education Officer, Kashichak has not



issued reliving letter and communicated the same to the Headmaster and District Programme Officer including the District Education Officer, as a result of which, in spite of the absentee of the petitioner being sent by the headmaster of the school, salary is not being released to the petitioner. The action of the Block Development Officer can only be deprecated which requires immediate action by the Additional Chief Secretary(s), Education Department, Government of Bihar, as well as, the Rural Development Department, Government of Bihar for deliberate action to deprive the petitioner from his due salary for the reason best known to him.

6. In this regard, I find it gainful to refer the law laid down in the case of *Raj Narain vs Union Of India*, reported in, **2019 (5) SCC 809**, wherein in para no. 7 and 8, it was held as follows:

7. The point that remains to be considered is whether the Appellant is entitled to payment of full wages between 1979 and 1987. The Appellant was placed under suspension on 23.10.1979 and his suspension was revoked on 21.10.1987. An interesting development took place during the interregnum by which the disciplinary proceedings were dropped on 21.03.1983. It is clear from the record that the Appellant was the one who was seeking postponement of the departmental inquiry in view of the pendency of criminal case. The order of suspension was in contemplation of disciplinary proceedings. By virtue of the disciplinary proceedings being dropped, the Appellant becomes entitled to claim full salary for the period from the date of his suspension till the date of closure of the departmental inquiry.



Thereafter, the Respondents took four years to reinstate him by revoking his suspension. The order of suspension dated 23.10.1979 came to an end on 21.03.1983 which is the date on which disciplinary proceedings were dropped. The Appellant ought to have been reinstated immediately thereafter unless a fresh order was passed, placing him under suspension during the pendency of the criminal trial which did not happen. Ultimately, the Appellant was reinstated by an order dated 21.10.1987 by revocation of the order of suspension. Though, technically, the learned Additional Solicitor General is right in submitting that the impugned judgment does not even refer to the I.A., we are not inclined to remit the matter to the High Court at this stage for fresh consideration of this point. We hold that the Appellant is entitled for full wages from 23.10.1979 to 21.10.1987 after adjustment of the amounts already paid towards subsistence allowance.

8. For the reasons mentioned above, we approve the judgment of the High Court by holding that the Appellant shall be entitled for back wages only from the date of acquittal on 31.08.2001, till the date of his reinstatement on 20.01.2003. Further, the Appellant shall be entitled to full salary from 23.10.1979 to 21.10.1987.

7. In absence of any proceeding pending against the petitioner, the petitioner becomes entitled for payment of entire salary from 31.03.2017 till the period of suspension was revoked on 13.06.2022 and the petitioner again joined the service on 28.07.2022 and the salary for the subsequent period to which he is entitled for is also required to be paid by regularizing the petitioner from 14.06.2022 to 27.07.2022.

8. I direct the District Education Officer and District Programme Officer (Establishment) to take action to make payment of due salary to the petitioner from 31.03.2017 till date



forthwith without further delay in accordance with law. In case of failure, the petitioner can take action against them in accordance with law.

9. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

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