

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2931 of 2025

1. Raghu Sharan Son of Maheshwar Prasad Gupta, Resident of Village -Rampatti, Post Office Paktola, Police Station Dumra, District- Sitamarhi. At present posted and working as Panchayat Teacher, Govt. Primary School Bhagwatipur Urdu, District -Sitamarhi.
2. Kumar Gautam, Son of Krishna Mohan Prasad, Resident of Village Mahajan Toli No. 1, Satgharwa, Jail Road, Police Station Arrah, District Bhojpur at Ara. At present posted and working as Panchayat Teacher, Govt. Primary School Sundarpur Matauna, District -Sitamarhi.
3. Raju Kumar, Son of Rajkishore Das, Resident of Village -Rampatti, Post Office Paktola Police Station - Dumra, District - Sitamarhi. At present posted and working as Panchayat Teacher, Govt. Primary School Bhagwatipur Urdu, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary. cum- Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer (Establishment), Sitamarhi.
6. The Block Education Officer, Block Sursand, District Sitamarhi .
7. That Panchayat Secretary, Gram Panchayat Raj Diwari Matauna, Anchal - Sursand, District- Sitamarhi.
8. The Headmaster, Govt. Primary School Bhagwatipur Urdu, Anchal-Sursand, Sitamarhi.
9. The Headmaster, Govt. Primary School Sundarpur Matauna Anchal-Sursand, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra, Advocate.
For the State	:	Smt. Anuradha Singh, SC-21
		Mr. Shatabdi Sinha, AC to SC-21.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-02-2025 Heard Mr. Umesh Kumar Mishra, learned counsel

 appearing on behalf of the petitioners and Smt. Anuradha Singh,

 learned SC-21 along with Mr. Shatabdi Sinha, learned AC to



SC-21 for the State.

2. The petitioners in paragraph no. 1 of the present writ petition have sought, inter alia, following relief(s), which is reproduced hereinafter:-

“1. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondents authorities concerned to make payment of arrears of salary due since 18.05.2024, 04.05.2024 and 18.05.2024 respectively as well as the current salary to the petitioners as the petitioners had validly been selected for their appointment as Panchayat Teacher and they had joined as Panchayat Teacher in their respective schools on 17.08.2010 but only on the ground that their educational certificates were not verified, the then Panchayat Secretary, Gram Panchayat Raj Diwari Matauna, Anchal - Sursand, District - Sitamarhi vide his letter no. 30 dated 27.10.2010 had directed the Headmasters of the concerned school to not allow the petitioners to mark his attendance in the school and due to which even though petitioners being genuine teachers having all the requisite qualifications were not allowed to mark their attendance in regular teachers attendance register and consequently were not paid their salaries and aggrieved by the said decision, the petitioners moved before the learned District Teacher Appellate Authority, Sitamarhi by filing Case No. 150 of 2011 (Kumar Gautam and Others vs. Panchayat Secretary, Panchayat Teacher Employment Committee Diwari Matauna, Sursand, Sitamarhi and Others) and the said case has been heard along with Case No. 16/2020 and the learned District Teacher Appellate Authority, Sitamarhi vide order dated 06.04.2024 allowed the said case and directed the Panchayat Secretary, Gram Panchayat Raj Matauna, Anchal Sursand, District Sitamarhi to allow the petitioners to discharge their duties as Panchayat Teacher in their respective schools by allowing them to mark their attendance and in the light of the aforesaid the petitioners were also allowed to discharge their duties as Panchayat Teachers in their respective school but again their payment of salary has not been ensured for which, they again moved before the learned District Teacher Appellate Authority, Sitamarhi by filing Case No. 12/2024 (Sarvesh Kumar Singh and Others vs. the District Education Officer, Sitamarhi and Others) the said case was also disposed of vide order dated 19.10.2024 by which the learned District Teacher Appellate Authority, Sitamarhi has been pleased to direct the Block Education Officer, Sursand and the concerned Panchayat Secretary to ensure the payment of



arrears of salary as well as current salary of the petitioners but in spite of that the petitioners even though have been discharging their duties with best of their abilities are not being paid their salaries.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to ensure the payment of arrears of salary which has arbitrarily been withheld since 18.05.2024, 04.05.2024 and 18.05.2024 respectively as well as current salary without any further delay, as the same has arbitrarily been withheld for the reasons best known to the authorities concerned even though the petitioners are entitled for their payment of salary in the light of the judgment rendered by the Hon'ble by Supreme Court in the case of Man Singh vs. State of U.P. vide 2022 live law SC 341 as also the in the light of the letter nos. 734 dated 08.07.2022 and 746 dated 11.07.2022 issued under the signature of the Additional Chief Secretary -cum-Principal Secretary, Education Department, Bihar, Patna communicating to all authorities concerned with regard to ensuring the payment of salary etc.

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to ensure the payment of arrears of salary to the petitioners since 17.08.2010 to 30.11.2010 as after joining the petitioners were allowed to discharge their duties for the said period but after the aforesaid period of 30.11.2010, they have not been allowed to discharge and mark their attendance on general teachers attendance register on the ground that their educational qualification certificates were not verified even though the petitioners had validly been selected and appointed as Panchayat Teacher.

IV. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioners would be entitled in the facts and circumstances of the present case.”

3. The Additional Chief Secretary, Education Department, Bihar is directed to call upon the District Programme Officer (Establishment), Sitamarhi and seek show cause well within a period of one week, as to why he has not complied with the order dated 19.10.2024 passed by the District Appellate Authority in Case No. 12 of 2024, wherein it has been



mentioned that all the required documents and service particulars relating to all the three petitioners have been sent to him and why he has delayed in making payment to the petitioners.

4. The District Programme Officer (Establishment), Sitamarhi must ensure that payment to the petitioners is made in compliance of the order dated 19.10.2024 passed by the District Appellate Authority against which order it appears that the District Programme Officer (Establishment) or the State has not preferred any appeal.

5. The above exercise must be completed well within a period of three weeks from the date of communication of this order.

6. The writ petition stands disposed of.

(Purnendu Singh, J)

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