

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9890 of 2021

Md. Nooruddin Son of Md. Sadruddin Resident of Village and Post and P.S.-
Lodipur, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Primary Education, Government of Bihar, Patna.
2. The District Teachers Selection Appellate Authority Bhagalpur
3. The District Magistrate, Bhagalpur.
4. The District Education Officer, Bhagalpur.
5. The Block Education Officer, Sabour, District-Bhagalpur.
6. The Mukhiya, Gram Panchayat, Lodipur, Block Sabour, Post-Sabour, District-Bhagalpur.
7. The Panchayat Sachiv, Gram Panchayat, Lodipur, Block Sabour, Post-Sabour, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Adv.
For the Respondent/s : AG

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 24-11-2025 Heard learned counsel for the petitioner and learned
counsel representing Respondent-State.

2. The instant writ petition has been preferred for the
following relief(s):-

“I. For direction to the respondents for payment due salary for the period November 2016 to September 2017, and from April 2018, to November 2019, for the period the petitioner has discharge his duties in the school he was posted and despite continuous persuasion due salary of working period has not been paid as yet, which is violation to the Article 23 of constitution of India, as also illegal in eye of law.

II. For payment of interest on delayed payment in additional to litigation cost also for unnecessary harassment.

III. For issuance of any other appropriate writ/writs, order/orders,



direction/directions for which the writ petitioner would be found entitled to under the fact and circumstances of the case.

3. Learned counsel for the petitioner submits that despite this petitioner having discharged the duties on the post of Panchayat Urdu Teacher having been appointed through selection process adopted by the concerned Respondents, the salary for the period of November, 2016 to September, 2017 and from April, 2018 to November 2019 have not been paid. At this stage, learned counsel for the petitioner relied upon a Division Bench Judgment passed in Letters Patent Appeal No. 646 of 2015, wherein for the period, the appellant who was appointed through selection process and was allowed to work against post for which the appointment was made, has been allowed salary for the said period by holding that the persons who have worked against the post on which the appointments have been made and the duties discharged is not in dispute, then the Hon'ble Division Bench has held that they are entitled to salary.

4. On the other hand, on being confronted with the factual position of the case, learned counsel for the State does not dispute the legal position and submits that appointments have been made by the selection committee which did not have the power to recommend such appointment, as such, the



petitioner is not entitled to the salary.

5. Be that as it may, since as per statement made in the writ petition, it is evident that the petitioner has already discharged the duties on the said post, therefore, in view of the judgment rendered by the Hon'ble Division Bench in Letters Patent Appeal No. 646 of 2015, the petitioner would be entitled to the salary for the period as stated above and accordingly, Respondent No.3/the District Education Officer, Bhagalpur, on filing representation by the petitioner within two weeks from the date of production/receipt of a copy of this order, is directed to verify the documents of this petitioner and on verification, if it is found that petitioner has discharged the duties for the said period, then an appropriate order shall be passed and salary for the said period shall be extended to the petitioner within the period of six weeks from the date of submission of the representation of the petitioner.

6. The instant petition stands disposed of.

(Ajit Kumar, J)

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