

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8596 of 2025

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1. Md. Sanjar Sulemani S/o Md. Sohail, R/o Village Tajpur, Ward No.- 2, P.O. and P.S.- Tajpur, District- Samastipur, at present working as Panchayat Teacher at Government Primary School Baira Shahpur Bhawanandpur, Block- Balia, District- Begusarai.
 2. Sahani Begum, W/o Md. Amjad Khan @ Md. Amjad Husain, R/o Village- Dariyapur Mokama, Ward No. - 07, P.O. and P.S.- Hathidah, District- Patna, at present working as Panchayat Teacher at Newly Created Government Primary School South to Railway Phulvariya, Block- Balia, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Begusarai, District - Begusarai.
3. The District Education Officer, Begusarai, District- Begusarai.
4. The District Programme Officer, Establishment (Education), Begusarai, District - Begusarai.
5. The Block Development Officer, Balia, District- Begusarai.
6. The Block Education Officer, Balia, District - Begusarai.
7. The Panchayat Secretary-Cum-Secretary, Panchayat Teacher Employment Unit, Bhavanandpur, Block Balia, District - Begusarai.
8. The Panchayat Secretary -Cum- Secretary, Panchayat Teacher Employment Unit, Pokhariya, Block Balia, District - Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Kumar, Adv.
For the Respondent/s : Mr. Standing Counsel (25)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-11-2025 The instant writ application has been filed for the following reliefs:-

“(A) For directions to the Respondent Authorities to make payment of the arrears of salary of Petitioner No.1 which is due from September, 2020 to June 2022 and since



September 2022 till date and also for payment of arrears of salary of Petitioner No.2 which is due from March 2021 to June 2022 and since September 2022 till date.

(B) And for any other necessary order, direction, relief for which petitioner may be found entitled in the eye of law and as well as facts of the case.”

3. The petitioners having been declared successful, duly appointed as Panchayat Teacher in Government Primary Schools in different Blocks of the district-Begusarai. After verification of all the testimonials, salary of the petitioners were started since May, 2014 and the arrears of salary was also given accordingly. While the petitioners have been discharging their duties to the entire satisfaction of the authorities concerned; in the meanwhile, the salary of the petitioner no.1 has been withheld since September, 2020 and further with respect to petitioner no.2, his salary has been stopped from March, 2021.

4. Learned Advocate for the petitioners submitted that having faced with such a situation, the petitioners approached before all the authorities concerned and subsequently before the State Appellate Authority; however, the same was ultimately disposed off with a direction to approach the District Appellate Authority and accordingly the petitioners preferred Appeal Case



No. 09/2023, before the District Appellate Authority, Begusarai.

It is specifically contended that on assurance being made by the concerned authorities, the petitioners withdrew their Appeal Case No.09/2023. However, again the petitioners have been subjected to ditch and have not been allowed their due salary; hence, the present writ petition.

5. Learned Advocate for the petitioners while pressing the present application has submitted that time without number, the Apex Court has ruled that even if the appointment was irregular, State has to pay salary for the work done by the employee. To support the aforesaid contention, reliance has been placed on a decision rendered by the Apex Court in the case of **Man Singh v. The State of U.P. [2022 Live Law SC 341]**. It is also brought to the notice of the Court that noticing the aforesaid mandate, the Additional Chief Secretary of the Education Department, Bihar, has also come out with a letter directing all the District Education Officers as well as District Programme Officers (Establishment) to ensure payment of arrears of salary to all the teachers in case they have been discharging their duties and till date, no action has been taken, even if their services have been found to be irregular. A copy of the aforesaid letter contained in Memo No.734 dated



08.07.2022 has been placed on record as Annexure-P/6.

6. On the other hand, learned Advocate for the State submitted that in order to assist this Court, he seeks a short adjournment so that he may apprise this Court with regard to the present position.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the nature of grievance, this Court thinks it appropriate to dispose off the writ petition with a direction to the petitioners to file representation along with supporting documents before the District Programme Officer (Establishment), Begusarai, preferably within a period of four weeks from today.

8. In case, such a representation is filed, the concerned District Programme Officer (Establishment), Begusarai shall consider the same and pass an appropriate order keeping in mind the discussions mentioned hereinabove as also the letter issued by the Additional Chief Secretary, Education Department, Bihar, Patna, contained in Memo No.734 dated 08.07.2022, within a further period of eight weeks.

9. Suffice it to observe that in case the claim of the petitioners finds favour, necessary due arrears of salary must be paid to them within the stipulated period.



10. The writ petition stands disposed off.

(Harish Kumar, J)

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