

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14991 of 2021

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Kumari Mala Sinha @ Mala Sinha W/o Raman Kumar Srivastava R/o Village - Senduari Purushottam P.S.- Motipur, District - Muzaffarpur Presently working as Prakhanda Teacher at upgraded Middle School, Sinduari Purushottam, Motipur, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Department of Human Resource Development, Bihar, Patna.
3. The District Programme Officer, Establishment, Muzaffarpur.
4. The Block Development Officer, Motipur, Muzaffarpur.
5. The Block Education Officer - Motipur, Muzaffarpur.
6. Panchayat Sachiv, Gram Panchayati Raj Kalyanpur Harauna Motipur, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate.
For the Respondent/s : Mr. Madanjeet Kumar, GP-20.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 01-07-2025 Heard Mr. Manoj Kumar Manoj, learned counsel appearing on behalf of the petitioner and Mr. Madanjeet Kumar, learned GP-20 for the State.

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

“That this application is being filed for issuance of appropriate writ/writs by seeking interference partly in order dt. 14.08.2015 passed by District Appellate Authority (Education Department) Muzaffarpur in Case No. 47/2013 and Order dt.- 17.12.2018 passed in Appeal No. 146 of 2018 by the State Appellate Authority, to the extent of non-payment of consequential benefit from 28.01.2013 to



08.10.2015 as already the termination letter dt.-28.01.2013 set aside by Learned District Teacher Appellate Authority and further commanding the respondents to pay arrears of salary of petitioner from 28.01.2013 to 08.10.2015 by counting the continuous services of petitioner for all purposes, in this interest of justice.”

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was terminated from service of Panchayat Teacher by the illegal action of the Panchayat Sachiv who has passed the order dated 28.01.2013. The said termination order was set aside and quashed by the District Appellate Authority in Appeal No. 47 of 2013 vide order dated 14.08.2015. In light of the order dated 14.08.2015 passed by the District Appellate Authority and consequential Letter No. 011 dated 05.10.2015 issued by the Panchayat Sachiv – respondent no.6, the petitioner joined on 08.10.2015. Petitioner claims that he is entitled for his entire consolidated pay being a Panchayat teacher as per his qualification from period 28.01.2013 to 07.10.2015 before his joining i.e. 08.10.2015. For execution of the order, the petitioner preferred appeal before the State Appellate Authority, but a misconceived order was passed by the State Appellate Authority by the Administrative member who has no jurisdiction.

4. Learned counsel submitted that the law in respect of entitlement of the petitioner will not be governed on the basis



of “No work no pay” principle. Since the petitioner was aggrieved by the illegal order dated 28.01.2013 passed by the Panchayat Sachiv which has been set aside and quashed vide order dated 14.08.2015 by the District Appellate Authority and as a consequence of the same, the petitioner was permitted to join on 08.10.2015, the petitioner becomes entitled for the entire consolidated pay and increment as applicable from time to time from 28.01.2013 till 07.10.2015. Non payment on the ground of “no work no pay” principle, in such circumstances, cannot be allowed to be taken on by the respondents to justify their action.

5. This Court also finds that no information has been given on behalf of the respondents as to why any action was not taken against the Panchayat Sachiv who appears to have deliberately terminated the petitioner without any reason.

6. In view of the admitted facts and the law laid down by the Apex Court, the respondents are directed to make payment of the entire amount of consolidated pay applicable to the petitioner from 28.01.2013 till 07.10.2015.

7. The writ petition stands disposed of.

(Purnendu Singh, J)

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