

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17176 of 2021

=====

Shashikant Gupta Son of Sri Dhamu Sah Resident of Village and P.O.-
Baulipur, P.S.-Jagdishpur, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director, (Primary Education), Education Department, Bihar, Patna.
3. The District Collector, Bhojpur at Ara.
4. The District Education Officer, Bhojpur, Ara.
5. The District Programme Officer (Establishment) Bhojpur at Ara.
6. The Block Development Officer, Jagdishpur, Bhojpur.
7. The Block Education Officer, Jagdishpur, Bhojpur.
8. The Panchayat Secretary, Gram Panchayat Chakawa Baulipur, Jagdishpur,
Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate

For the Respondent/s : Mr. Hitesh Suman, AC to SC13

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-06-2025 Heard Mr. Maya Shankar Mishra, learned counsel

 appearing on behalf of the petitioner and Mr. Hitesh Suman,

 learned AC to SC13 for the State.

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

*“1. That this is an
application for issuance of a writ in
the nature of mandamus directing and*



commanding the respondents to make payment of salary to the petitioner with effect from 08.06.2015 to till date with compound interest as the petitioner was employed on the post of Panchayat Teacher in view of order dated 05.05.2011 passed by the learned District Teacher Employment Appellate Authority, Bhojpur (Ara) in Appeal No. 150/2010 vide employment letter bearing Memo No. 09 dated 05.06.2015 and accordingly he started performing duty on his post w.e. from 08.06.2015. And/or pass such other order/orders as may appear just and proper in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of petitioner submitted that the action of the District Programme Officer, Establishment, Bhojpur can be appreciated to the extent that he has made payment of arrears of salary from 08.06.2015 to August, 2020, however, the relief(s), which has been prayed by the petitioner in the present writ petition, is to make payment of current salary, which, after August, 2020 has not been paid to the petitioner till date. The writ petition was filed during Covid-19 pandemic and the petitioner was hand to mouth during the said period, while the entire globe was suffering and human life was at peril.

4. I have perused the counter affidavit. A specific statement and information has been given in Paragraph No.7



that vide letter no.639 dated 14.12.2022 a bill for amount of Rs.8,86,745/- has been raised for the period between 08.06.2015 to August, 2020, but I am surprised, as to why, the District Programme Officer, Establishment, Bhojpur has not recommended for making payment of due salary of the petitioner from September, 2020 till date. Such action can only lead to observation that he has deliberately not obtained absentee of the petitioner for the said period to prepare bill for payment is surprising. In view of several SOPs. of the Central Government and the State Government, the Block Education Officer, as well as, Principal of the school, were responsible for sending the absentee or denying the petitioner his due salary for the period, action is required to be taken against such Officer/s by the competent authority.

5. The petitioner can not be penalized by not making payment of his due salary, which is required to be paid to him.

6. The above action is required to be taken well within a period of six weeks from the date of communication of this order.

7. The order has been passed in open Court in presence of learned counsel appearing of the petitioner and Mr. Hitesh Suman, learned AC to SC 13, who will communicate this



order today, to comply forthwith, without the order being pronounced.

8. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

U			
---	--	--	--

