

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14639 of 2022

1. Pawan Kumar Tiwari Son of Ramakant Tiwari, Resident of Village- Adarsh Gram, Nala Road NO.3, Bairiya, Paighanbarpur, Kolhua, P.S.- Ahiyapur, District- Muzaffarpur and at present Block teacher at Rajkiya Middle School, Bahadurpur, Minapur, Muzaffarpur.
2. Jitendra Bharti Son of Devandra Prasad Bharti, Resident of Village Ward No.3, Jamalabad, P.S.- Ahiyapur, District- Muzaffarpur and at present Block teacher at Rajkiya Middle School, Bahadurpur, Minapur, Muzaffarpur.
3. Umesh Kumar Giri Son of Lakshmi Giri, Resident of Village- Tengharhi, P.S.- Siwaipatti, District- Muzaffarpur and at present teacher at Rajkiya Middle School, Harka, Minapur, Muzaffarpur.
4. Ganesh Kumar Son of Ramprit Singh, Resident of Village- Ward No. 3, Belsar, P.S.- Vaishali, District- Vaishali and at present block teacher at Rajkiya Middle School, Jaman Mathiya, Minapur, Muzaffarpur.
5. Ramesh Ranjan Kumar Son of Rasolal prasad, Resident of Village- Jamalabad, P.S.- Ahiyapur, District- Muzaffarpur at present Block teacher at Rajkiya Middle School, Bahadurpur, Minapur, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Bihar Patna.
3. The District Magistrate, District- Muzaffarpur.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer, Education Department, Muzaffarpur.
6. The Block Development Officer cum Secretary of Block teacher Appointment Committee, Block- Minapur, District- Muzaffarpur.
7. The Block Education Officer, Block- Minapur, District- Muzaffarpur.
8. The Block Panchayati Raj Officer, Block- Minapur, Muzaffarpur.
9. The Block Pramukh, Block- Minapur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.
For the State : Mr. Kameshwar Kumar, G.P.-17

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-02-2025 Heard learned counsel for the petitioners and learned
counsel for the State.



2. By filing the present writ application, the petitioners have prayed for issuance of a writ in the nature of Mandamus and/or an appropriate writ directing the respondent authorities to make payment of arrears of salary to the petitioners with current bank rate of interest from 2015 till now, which has been held up by the respondent authorities without any reasonable cause.

3. A counter-affidavit has been filed on behalf of respondent no.7 stating therein that the salary of the petitioners for the period from 2015 (from date of joining) to May, 2016 had already been paid to them and thereafter, due to non-availability of absentee report of the petitioners, their salary had not been paid. However, after receiving of the absentee report of the petitioners, the salary advice from June 2016 to October, 2022 has been submitted in the office of District Programme Officer (Establishment), Muzaffarpur, who has paid the due current salary of the petitioners from April 2022 to October 2022, except the salary of petitioner no.4, Ganesh Kumar, who is presently absent in his school, without any information from 25.09.2021 till date of report, by the Headmaster of the concerned middle school through an application dated 24.11.2022.



4. Learned counsel appearing for respondent no.7 submits that the salary of the petitioners from June 2016 to March 2022 has not been paid due to non-availability of allotment and as soon as the allotment will be received, the arrears of salary for the aforesaid period will be paid to them.

5. In such view of the matter, I deem it proper to direct the petitioners to file a detailed representation before the District Programme Officer, Education Department, Muzaffarpur (respondent no.5) along with the supporting documents within a period of four weeks from today and the respondent no.5 is directed to consider the representation of the petitioners and pass a reasoned and speaking order keeping in mind the facts mentioned in the counter affidavit filed on behalf of respondent no. 7 within eight weeks in accordance with law from the date of receipt of representation after affording an opportunity of hearing to the petitioners or through their counsel and ensure the payment of admitted arrears of salary to the petitioners within two weeks thereafter.

6. Needless to state that the District Programme Officer, Education Department, Muzaffarpur (respondent no.5) shall be solely responsible for non-compliance of this order within the stipulated period.



7. With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

U			
---	--	--	--

