

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12773 of 2025

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1. Sunil Kumar Son of Late Badri Singh, posted in Prakhhand Teacher in Upgraded Middle School Parto Karhari, Block-Akbarpur, District-Nawadah.
 2. Sunila Kumari, Daughter of Ram Janam Singh Chauhan, posted in Upgraded Middle School, Balampur, Block- Akbarpur, District- Nawadah.
 3. Pushplata Kumari daughter of Dwarika Prasad, posted in Upgraded Middle School, Parto Karhari, Block- Akbarpur, District- Nawadah.
 4. Prem Shankar Son of Late Ram Charitra Singh, posted in Upgraded Middle School, Diri, Block- Akbarpur, District- Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, Nawadah.
4. The District Programme Officer (Est), Nawadah.
5. The Block Education Officer, Akbarpur, District-Nawadah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. Chandra Shkhar Singh, AC to GA-10

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 16-12-2025 Heard the parties.

2. Invoking the jurisdiction of this Court, the
petitioners have sought the following reliefs:

“i) For issuance of a writ in the nature of certiorari setting aside the impugned order bearing Memo No. 2640 dated 01.10.2024 issued under signature of Respondent No. 3 whereby and whereunder in compliance to earlier order dated 02.05.2024 passed in C.W.J.C. No. 6748 of 2024 by this Hon'ble Court in contempt proceeding bearing M.J.C. No. 2914 of 2024 under which



claim of petitioners for payment of salary of the working period since 03.08.2015 to up till now or date of retirement of some of the petitioners against which absentees have regularly been sent by the Headmaster to the competent authority but on different pretext on this ground that matter is subjudice before Hon'ble Apex Court and passed order that it would not be justifiable to pass order of payment of salary even of working period but despite having been dismissed the case by Hon'ble Apex Court vide order dated 03.03.2025 in S.L.A. No. 4368 of 2024 this High Court vide order dated 23.06.2025 passed in M.J.C. No. 2914 of 2024 gave liberty to the petitioners to assail the order of refusal of salary of the petitioners in fresh proceeding before this High Court and accordingly the present case been filed.

ii) For issuance of appropriate direction upon Respondents concerned to pay the due salary of the petitioners for working period i.e. 03.08.2015 to till date in view of settled proposition of law by Hon'ble Apex Court in judgement reported in 2024(1) PLJR (SC) Page 176 (Radheshyam Yadav Versus State of U.P) in which it is held that if an employee is appointed by the competent authority and allowed to work then unless his appointment is cancelled, he is entitled to get salary.

(iii) For issuance of any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

3. Learned Advocate for the petitioners submitted that identical issue has come up for consideration before this Court in CWJC No. 14166 of 2025, which came to be disposed off on 02.09.2025, directing the concerned respondents to consider the



claim of the petitioner and take a final decision. It is also made clear that if it is found that the petitioners have been discharging duties from the date of their initial appointment, the salary as applicable to the said post shall be paid to the petitioners, without any delay.

4. Learned Advocate for the petitioners taking this Court through the order aforementioned submitted that the case of the petitioners are also squarely covered with the decision and, as such, they also seek disposal of their cases in identical term.

5. Learned Advocate for the State did not refute the legal position and fairly submitted that the petitioners may be accorded liberty to approach before the authorities concerned.

6. In view of the submissions advanced by learned Advocate for the respective parties, this Court deems it fit and proper to dispose off the present writ petition, in terms with the order passed in CWJC No. 14166 of 2025, giving liberty to the petitioners to file a fresh representation before the respondent nos. 3 and 4 along with all the necessary documents in support of their claim as well as the details of the period, for which their salaries have not been paid by the authorities.

7. In case such a representation(s) is/are filed within a period of four weeks, from today, the concerned respondents



shall consider the same and if the claim of the petitioners is found admissible, the admissible salary shall be paid within a further period of six weeks.

8. The writ petition stands disposed off with the aforesaid terms.

(Harish Kumar, J)

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