

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14166 of 2025

1. Sindhu Rani Daughter of Ramanugrah Singh, Resident of Village- Orhanpur, Police Station- Nawadah, Police Station- Muffasil, District- Nawadah, presently posted as Block Teacher, Government Middle School, Mahanandpur, Block- Akbarpur, District- Nawadah.
2. Purushottam Kumar, Son of Girijanandan Singh, Resident of Village- Gopalpur, Police Station- Akbarpur, District- Nawadah, presently posted as Prakhand Teacher in National Middle School, Akbarpur, 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, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, GA-2
Mr. Venkatesh Singh, JC to GA-2

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioners and
learned counsel for the State.

2. The petitioners have filed the instant writ application for the following reliefs:-

(i) For setting aside the impugned order bearing Memo No.120 dated 21.06.2025, passed in Complaint Case No.03 of 2024 by learned District Teachers Employment Appellate Authority, Nawada, (Annexure-P/8), whereby in pursuant to liberty granted by this Court in C.W.J.C. No.7458 of 2024 vide order dated 13.08.2024 in batch cases



giving liberty to the petitioners to move before District Appellate Authority first for redressal of grievance for non-payment of salary of the working period since 03.08.2015 to till date and accordingly, petitioner filed Case No.03 of 2024 before the District Appellate Authority, Nawada which has been disposed of without passing final order on the issue of payment of due salary since 03.08.2015 during which petitioners have discharged duty but by virtue of impugned order claim of petitioners have been denied in pretext of pendency of one complaint being Case No.03 of 2025 filed by the unsuccessful candidates raising the issue of validity of appointment of petitioners but till date appointment of petitioners have not been cancelled and as such impugned order is bad in eye of law as also contrary to Article 23 of the Constitution of India.

(ii) For directing the respondents concerned to pay the due salary of petitioners for working period i.e. 03.08.2015 till date in view of settled proposition of law by Hon'ble Apex Court in judgment reported in 2022 LiveLaw (SC) 341 (Man Singh Versus State of Uttar Pradesh) as well as 2024(1) PLJR (SC) 176 (Radheshyam Yadav Versus State of Uttar Pradesh) as also in view of Memo No.734 dated 08.07.2022 issued by the Respondent State itself specially with regard to payment of salary of working period and despite that non payment of the same in pretext of pendency of case filed by another person is not tenable in the eye of law.

(iii) For any other relief(s) for which petitioners are found entitled to in the eye of law.

3. Learned counsel for the petitioners submits that the petitioners are working on the post of Prakhanda Teacher and on certain complaints having been filed by certain aggrieved



persons, the salary of the petitioners, for reasons unexplained, have not been paid from the date of initial appointment i.e. 03.08.2015 till today. It is very astonishing that while the petitioners are being allowed to work, their salaries are not being paid, even if their appointment might be under cloud.

4. In view of the above, this Court is of the view that when these petitioners are being allowed to discharge their duties, they are entitled to salary against the post for which said the duties are being discharged. Learned counsel for petitioners has drawn the attention of this Court to certain decisions of this Court as well as the Hon'ble Apex Court, wherein it has been directed that the complainants, who had filed complaint against the similarly situated persons, questioning their appointment were required to file complaint case before the District Appellate Authority, Nawada, who are said to have by now filed such complaint questioning the appointment of these petitioners and other similarly situated persons.

5. Be that as it may, since these petitioners are allowed to work and discharge the duties against the posts in question, and there is no order or decision of the competent authority removing them from the said posts, they are entitled to salary of the post which is being discharged by these petitioners.



6. Accordingly, the petitioners are directed to file a fresh representation before the District Programme Officer (Establishment) Nawada, giving all details of the period for which their salaries are to be paid by the authorities, along with supporting documents. On such representation being filed, the District Programme Officer (Establishment) Nawada shall be obliged to take a final decision thereon. If it is found that the petitioners have been discharging duties from the date of their initial appointment i.e. 03.08.2015, the salary as applicable to the said post shall be paid to the petitioners without any delay.

7. The entire exercise must be completed within a period of four weeks from the date of filing of such representation by the petitioners.

8. With the aforesaid observation and direction, the instant writ application stands disposed of.

(Ajit Kumar, J)

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