

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15733 of 2025

1. Shailendra Kumar Son of Late Kedar Nath Singh, Resident of Village-Gonawan, Police Station-Nawada Sadar, District-Nawadah.
2. Nawal Kishor Pandey, Son of Mahendra Kishor Pandey, Resident of Village-Narhat, Police Station-Narhat, District-Nawadah.
3. Pramod Kumar, Son of Late Gita Singh, Resident of Village-Gopalpur, Police Station-Nemdarganj, Block-Akbarpur, District-Nawadah.
4. Shambhu Sharan, Son of Late Arjun Singh, Resident of Village-Gopalpur, Police Station-Nemdarganj, Block-Akbarpur, District-Nawadah.
5. Uday Prasad Singh, Son of Late Rajendra Prasad Singh, Resident of Village-Gopalpur, Police Station-Nemdarganj, Block-Akbarpur, District-Nawadah.
6. Arvind Kumar, Son of Shri Nawal Kishor Prasad Singh, Resident of Village-Gopalpur, Police Station-Nemdarganj, 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.Venkatesh Kirti, JC to GA-2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2025

Heard the parties.

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

“(i) For issuance of a writ in the nature of certiorari
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, Nawadah (Annexure-P/8) whereby in pursuant to liberty granted by this Hon'ble Court in C.W.J.C. No. 7458 of 2024 disposed of vide order dated 13.08.2024 in batch cases giving liberty to the petitioners to move before learned District Appellate Authority first for redressal of grievance of 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 learned District Appellate Authority, Nawadah 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 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 issuance of appropriate direction upon Respondents concerned to pay the due salary of 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 2022 Live Law (SC) Page 341 (Man Singh Versus State of Bihar of U.P) as well as 2024(1) PLJR (SC) Page 176 (Radheshyam Yadav Versus State of U.P) 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 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. Adverting to the facts of the writ petition, learned advocate for the petitioners submitted that identical issue has come up for consideration before this Court in C.W.J.C. No. 14166 of 2025 which came to be disposed of on 02.09.2025 directing the concerned respondent 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 petitioner without any delay.

4. Learned advocate for the petitioners submitted that the case of the petitioners is squarely covered with the decision aforenoted and the petitioners 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, this Court



deems it fit and proper to dispose of the present writ petition in terms with the order passed in C.W.J.C. No. 14166 of 2025 giving liberty to the petitioners to file a fresh representation before respondent No. 4 giving all details of the period for which their salaries have not been paid by the authorities along with supporting documents.

7. In case such a representation is filed preferably within a period of two weeks from today, the concerned respondent 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 present writ petition is disposed of.

(Harish Kumar, J)

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