

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16705 of 2025

1. Md Wakil Ahmad Son of Md Imamuddin At Present working as Prakhand Teacher at Madhya Vidyalay Runipur, Police Station - Akbarpur, District - Nawada
2. Shabana Naz, Daughter of Md. Eddan At present working at Prakhand Teacher at National Madhya Vidyalay Akbarpur, Police Station-Akbarpur, District- Nawada
3. Qamar Jabir, Daughter of Nazmul Hoda At present working as Prakhand Teacher at Madhya Vidyalay Rajhat, Police Station- Akbarpur, District- Nawada.
4. Md. Gheyasuddin, Son of Md. Salimuddin At present working as Prakhand Teacher at Madhya Vidyalaya Pajna, Police station- Akbarpur, District- Nawada.
5. Pramila Kumari, Daughter of Sital Singh At present working as Prakhand Teacher Madhya Vidyalaya Pajna, Police Station-Akbarpur, District- Nawada.
6. Shahnaz Khatoon, Daughter of Md. Salimuddin At present working as Prakhand Teacher at U.M.V. Makhar, Police Station-Akbarpur, District- Nawada.
7. Md. Kalimuddin, Son of Md. Abdul Rauf Warisi At present working as Prakhand Teacher at Madhya Vidyalaya Dadpur, Police Station-Akbarpur, District- Nawada.
8. Md. Shahuddin, Son of Md. Abdul Rauf Warisi At present working as Prakhand Teacher at U.M.V. Deora, Police Station- Akbarpur, District- Nawada.

... .. 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, Nawada
4. The District Programme Officer (Est), Nawada
5. The Block Education Officer, Akbarpur, District- Nawada

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
For the Respondent/s : Mr. Vinay Kirti Singh, GA-2
Mr. Sumant Kumar Singh, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2025 Heard learned Advocate for the petitioners and



learned Advocate for the State.

2. The petitioners have filed the instant writ application for the 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. Learned Advocate for the petitioner submitted that identical issue has come up for consideration before a co-ordinate Bench of this Court in C.W.J.C. No. 14166 of 2025 which came to be disposed off with a direction to the District Education Officer, Nawadah and District Programme Officer (Est.) Nawada to consider their claim and ensure the payment of the salary for the period in question. The case of the petitioner is said to be exactly identical to those of C.W.J.C. No. 14166 of



2025.

4. Learned Advocate for the State prays for a short adjournment to verify the factual position.

5. Considering the aforesaid facts, this Court is persuaded to the submission of the petitioner and finds the case of the petitioner identical to those of the petitioners of C.W.J.C. No. 14166 of 2025, accordingly the present writ petition also stands disposed off in identical terms as follows:-

“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.”

6. Accordingly the present writ petition stands disposed off.

(Harish Kumar, J)

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