

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17668 of 2025

Om Prakash Pankaj S/o Shri Dayali Paswan, R/o Village-Rasulpur Turki,
P.O.-Asoi, P.S.- Bhagwanpur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Primary Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Primary Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Vaishali, District-Vaishali.
5. The District Programme Officer, Establishment, Vaishali, District-Vaishali.
6. The Block Education Officer, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gyanendra Kumar Shukla, Adv.
For the Respondent/s	:	Mr. Government Pleader (20)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-11-2025 Heard the parties.

2. Invoking the extra ordinary jurisdiction of this Court, the petitioner has preferred the writ petition for the following reliefs;

“i. That the petitioner prays for issuance of an appropriate writ, order or direction in the nature of certiorari for quashing that part of the Office Order contained in Letter No. 82 go dated 22.01.2024, jointly issued and signed by the District Programme Officer, Vaishali, and the District Programme Officer (Establishment), Vaishali, to the extent it denies the petitioner his legitimate claim to salary for the period from the date of his termination till the date of his reinstatement in service, which is arbitrary,



discriminatory, and violative of Articles 14 and 21 of the Constitution of India.

ii. It is further prayed that this Hon'ble Court be pleased to hold and adjudicate that the petitioner was appointed pursuant to the order passed by the Apex Court in Contempt Case No.297/2007, thus, the termination order of the petitioner despite specific direction of the Apex Court dated 18.07.2013 passed in SLP (Civil) No. 26824/2012 was on completely baseless round. Hence the petitioner is entitled for all the consequential benefits including his arrears of salary from the date of his termination order in view of the order passed in LPA NO. 1741/2016 and other analogous cases, since similarly situated persons have already been paid their salary of their termination period after reinstatement in service.

iii. It is further prayed that this Hon'ble Court be pleased to grant any other reliefs for which petitioner is found entitled and an appropriate writ/writs, order/orders or direction/directions may be issued under the give facts and circumstances of the case."

3. Adverting to the facts of the case, learned Advocate for the petitioner contended that the petitioner was duly appointed as Assistant Teacher long back in the year 2012, vide annexure-P/1 and he was also one amongst 34,540 candidates, whose selection was approved by the Hon'ble Supreme Court. Subsequent, thereto, the services of the petitioner came to be terminated along with others vide order contained in letter No. 1333 dated 28.02.2013 and the same was put to challenge by the petitioner vide C.W.J.C. No.6778 of 2013. A Bench of this Court vide order dated



29.02.2016 has been pleased to set aside the termination order and allowed the writ petition in the light of the order and direction of the Hon'ble Apex Court, whereby it was made clear that none of the persons appointed out of 34,540 vacancies should be disturbed in any way. The State, being aggrieved, also preferred Letters Patent Appeal bearing L.P.A. No. 1741 of 2016, which also came to be dismissed, on 28.08.2023.

4. In the light of the aforesaid direction of the Hon'ble Court, the District Education Officer, Vaishali and District Programme Officer, (Establishment) issued an order contained in memo No. 82 dated 22.01.2024, whereby the petitioner had been reinstated in service, but, surprisingly, held to be not entitled for the salary for his termination period. The order to the extent, whereby the petitioner has been held to be not entitled for the salary for his termination period, is put to challenge. It is the specific contention of the petitioner that principal of '*No Work, No Pay*' cannot apply in the case of the petitioner because, it is the action of the respondent authorities, which kept the petitioner out of service. All the more, there is no such consideration, as has been made in the case of other similarly situated person,



who have been paid salary for non- working period in compliance with the Hon'ble Division Bench's order. To support the aforesaid contention, annexure-10 (series) have been placed on record.

5. Learned Advocate for the petitioner further contended that the identical issue has come up for consideration before this Court in C.W.J.C. No. 15517 of 2016 and further in C.W.J.C. No.17663 of 2022 and the Bench of this Court directed the concerned respondents to ensure payment of salary even for the period of termination. The identical issue has also been cropped up in C.W.J.C. No.16429 of 2025 and C.W.J.C. No. 16596 of 2025, wherein, the Court, in its penultimate paragraph considering the submission of the parties and taking note of the fact that the appointment of the petitioner was made on the basis of recommendation of one man Committee headed by Mr. Justice S.K. Chattopadhyaya (retired) and the case is covered under the order of Hon'ble Apex Court in S.L.P. (Civil) No. 26824 of 2012 dated 18.07.2013, directed to pay all the consequential benefits, including the salary for the period having remained out of service, preferably, within a period of six weeks.

6. Learned Advocate for the State, however, seeks a



short adjournment to get instruction and apprise this Court, nonetheless, no confrontation to the legal position has been made.

7. Having considered the submission advanced by the learned Advocates for the respective parties and taking note of the materials, this Court, *prima facie*, is of the opinion that the impugned order dated 22.01.2025 to the extent whereby the salary of the petitioner has been denied is unsustainable in law as well as on facts and, as such, the same is set aside.

8. The respondent No. 4 i.e. The District Education Officer, Vaishali is directed to consider the claim of the petitioner for all the consequential benefits, including the salary for the period having remained out of service and pay the same as has been accorded to other identically situated persons, the instances of which have been discussed, hereinabove, preferably, within a period of eight weeks from the date of receipt/production of a copy of this order.

9. With the aforesaid direction, this writ petition stands disposed of.

(Harish Kumar, J)

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