

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18741 of 2025

Md. Ali Akbar Son of Late Md. Ali Hushan, Resident of Village- Dariya Chhapra, P.O.- Bisunpur Patti, P.S.- Sahebganj, District- Muzaffarpur, presently posted to the post of Assistant Teacher, Primary School Semra Nanakar Urdu, P.O.- Bisunpur Patti, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
3. The Deputy Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
4. The District Magistrate, Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. The District Programme Officer (Establishment), Muzaffarpur.
7. The Block Education Officer, Sahebganj Block, Muzaffarpur.
8. The Panchayat Sachiv -cum- Secretary, Panchayat Teachers Appointment Committee, Paharpur Manorash Gram Panchayat Sahebganj, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Sangeeta Kumari, Adv.
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw, GP-23
		Ms. Meera Singh, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-11-2025

Heard the parties.

2. The petitioner by invoking the prerogative writ jurisdiction of this Court seeks issuance of a writ in the nature of mandamus, directing the concerned respondent authorities to ensure payment of arrears of his salary as well as current salary with effect from December, 2024 till date.

3. Learned Advocate for the petitioner submitted that



the facts are not in dispute. The petitioner was initially appointed on the post of Panchayat Shiksha Mitra on 01.02.2003 and after coming into force of Bihar Panchayat Teacher Appointment Service and Condition Rules, 2006, he was duly appointed as Panchayat Teacher w.e.f. 01.7.2006. While the petitioner was discharging his duties, all of a sudden, he was terminated on 13.01.2017; however, he was reinstated after the order of termination having been set aside by the District Teacher Appellate Authority vide order 31.01.2020. The petitioner was allowed to discharge his duties, but again, by one reason or another, he was terminated by the Employment Unit on 13.11.2021. This time again, the order of termination was questioned before the State Appellate Authority, which order was again set aside vide order dated 20.10.2022 in O.A. No. 354/2022, and thus the petitioner came to be reinstated.

4. Notwithstanding the reinstatement of the petitioner, as noted above, he was deprived from salary and debarred from making attendance, thus compelled to approach this Court by filing C.W.J.C. No. 1939 of 2024. The aforesaid writ petition was disposed off vide order 20.03.2024 with direction to the concerned authority to consider the claim of the petitioner and pass necessary order(s). In the light of the order of this Court, the petitioner was reinstated by the Employment Unit vide letter no. 32 dated 17.12.2024, the copy of which is placed on record



as Annexure-P/3. This time again, though the petitioner has been reinstated, but without any salary since December 2024, and he has once upon compelled to approach this Court for payment of his arrears of salary and the current salary, besides other benefits.

5. This Court is surprised to see the conduct of the respondent authorities. Time without number, services of the petitioner have been terminated, and on the interference made by the State/District Teacher Appellate Authority as well as this Court, he has been reinstated, but without getting any salary and other benefit. A letter has also been placed on record, bearing no. 14 dated 10.01.2023 (Annexure-P/1), written by the Block Education Officer, Sahebganj, Muzaffarpur, to the District Programme Officer (Establishment) Muzaffarpur, seeking guidelines for payment of salary, but seemingly no action was taken. The petitioner has placed on record the absentee report since December 2024, duly attested by the In-charge Headmaster of the concerned school. Notwithstanding the aforesaid facts, till date the petitioner has not been extended his due arrears and current salary. Once the petitioner has been allowed to discharge his duty in pursuant to the order of the State Appellate Authority as well as this Court, it does not stand to any reason or occasion for the respondent authorities to deprive the petitioner from his due salary.



6. It would be apt and proper to remind the respondent State Authority to a decision rendered by the Apex Court in the case of **Man Singh v. State of U.P., [2022 Live Law Supreme Court 341]**, wherein the Apex Court has ruled as follows:-

“We find that the High Court has failed to consider the fact that even if the appointment was irregular, the appellant had discharged the duties and in lieu of duties, he had to be paid. The State cannot take any work from any employee without payment of any salary.”

7. Learned Advocate for the State, though prays for a short adjournment to seek instruction(s) and file counter affidavit in the matter; however, this Court does find any reason to allow his prayer.

8. The writ petition stands disposed off with a direction to the District Programme Officer (Establishment), Muzaffarpur to ensure payment of all the arrears as well as current salary of the petitioner, preferably within a period of eight weeks from the date of receipt/production of a copy of this order, in accordance with law, if otherwise no adverse order against him.

(Harish Kumar, J)

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