

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18445 of 2024

1. Sanjay Kumar Son Nagina Ram @ Nagina Paswan, Resident of Village-Simari, Post- Kala Pahad, Tendua, P.S.- Tandwa, District- Aurangabad.
2. Manju Kumari, Daughter of Shri Ramnath Paswan, Resident of Village-Manjurahi, Post- Itahar, P.S. and District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Gaya.
5. The District Education Officer, Gaya.
6. The District Programme Officer, Gaya.
7. The Block Education Officer, Dumaria, Gaya.
8. The Panchayat Secretary -cum- Secretary, Gram Panchayat Manjhauli, Dumaria, Gaya.
9. The Panchayat Secretary -cum- Secretary, Gram Panchayat Bhokaha, Dumaria, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishore, Adv.
For the Respondent/s : Mr. Government Pleader 26

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 21-08-2025

Heard the parties.

2. The petitioners, who were appointed as Panchayat Primary Teacher in the year 2014 vide Annexures-1 and 2, respectively, have approached this Court seeking a direction



upon the respondents to pay their due salaries from the month of June, 2018 till the date of their acceptance of resignation.

3. Learned Advocate for the petitioners submitted that petitioner no.1 was voluntarily tendered his resignation on 30.09.2022 whereas petitioner no.2 was tendered her resignation on 03.09.2021 before the appointing authority, the Panchayat Secretary of the concerned Gram Panchayat. Notwithstanding the resignation of the petitioners long back in the year 2021, they have not been allowed salary for the period they discharged their duties upon the post of Panchayat Teacher. For the said purpose, the petitioners were approached the authorities concerned, but no action has been taken.

4. It has been informed to this Court that one Umesh Kumar Suman, who had also been denied salary for the period he discharged his duty, has approached this Court in C.W.J.C. No.7648 of 2020, wherein the learned Single Judge vide order dated 22.06.2022, directed the respondent authorities to ensure filing of an affidavit, releasing salary of the writ-petitioner. In pursuant to the order of this Court, the Additional Chief Secretary, Department of Education, has come out with letter no.734 dated 08.07.2022, directing all the District Education Officers and District Programme Officers (Est.) of the State of



Bihar to the effect that salary of the teachers should be paid for their working period and even if the appointment of the teachers is/are illegal and other irregularities notice, the action of withholding of salary will be considered as financial irregularity and disciplinary proceeding against the concerned officer(s) shall be taken up. In such cases, either the person(s) should be suspended or departmental action is required to be taken.

5. On the other hand, learned Advocate for the State submitted at the Bar that the petitioners have remedy available before the District Appellate Tribunal; however, he fairly contended that if their representation is pending before the concerned authority, the same shall be considered in the light of the order and the letters, discussed hereinabove, and brought to its logical conclusion.

6. Having considered the afore-noted submissions of the learned Advocate for the State, this Court deems it fit and proper to dispose off the writ petition with a direction to the respondent no.6, the District Programme Officer, Gaya to take up the grievance of the petitioners as raised in the writ petition and pass a reasoned and speaking order, extending the benefit of their due salaries, if found admissible, preferably within a period of twelve weeks from the date of receipt/production of a



copy of this order.

7. The writ petition stands disposed off with the
aforesaid direction.

(Harish Kumar, J)

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