

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.61 of 2026

In

Civil Writ Jurisdiction Case No.14166 of 2025

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1. Sudhihar Kumar Son of Ruplal Mahto, resident of village- Aliganj, P.O. - Aliganj, P.S.- Sikandara, District- Jamui, Bihar.
 2. Ravindra Kumar, Son of Rambriksha Yadav, resident of Village- Akaunadih, P.O. - Akaunadih, P.S.- Muffassil, District- Nawadah, Bihar.
 3. Rita Kumari, daughter of Ram Chandra Prasad, resident of vill P.O. - Fatehpur, P.S.- Akbarpur, District- Nawadah, Bihar.
 4. Pankaj Kumar, Son of Bijay Chaudhary, resident of village- Prasad Bigha, Nawadah, P.S.- Nawadah, District- Nawadah, Bihar.
 5. Saista Khatoon, daughter of Md. Sakil Ahmad, resident of Village- Gondapur, P.O. - Gondapur, P.S.- Nawadah, District- Nawadah, Bihar.
 6. Ram Pravesh Kumar, Son of Shankar Mahto, resident of village- Darkha, P.O.- Darkha, P.S.- Sikandara, District- Jamui, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Department of 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.
6. Sindhu Rani, daughter of Ramanugrah Singh, resident of village- Orhanpur, Post Office- Nawadah, Police Station- Muffasil, District - Nawadah, presently posted as Block Teacher, Government Middle School, Mahanandpur, Block- Akbarpur, District- Nawadah.
7. Purushottam Kumar, Son of Girijinandan Singh, resident of village- Gopalpur, Police Station -Akbarpur, District- Nawadah, presently posted as Prakhand Teacher in National Middle School, Akbarpur, Block- Akbarpur, District- Nawadah.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajendra Narayan, Sr. Advocate
Mr.Bhola Kumar, Advocate
For the Respondent/s : Mr.Government Advocate (02)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-03-2026

The Letters Patent Appeal has been filed by the appellant-Sudhihar Kumar challenging the order dated 02.09.2025 passed by the learned Single Judge in CWJC No. 14166 of 2025. Such writ petition was filed by Sindhu Rani and Purushottam Kumar, who are the respondent nos. 6 and 7 in this L.P.A .

2. As it appears, the writ petition was filed by the petitioners seeking for the following relief(s):-

“(i) For 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, Nawada, (Annexure-P/8), whereby in pursuant to liberty granted by this Court in C.W.J.C. No.7458 of 2024 vide order dated 13.08.2024 in batch cases giving liberty to the petitioners to move before District Appellate Authority first for redressal of grievance for 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 the District Appellate Authority, Nawada 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 the 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 directing the respondents



concerned to pay the due salary of petitioners for working period i.e. 03.08.2015 till date in view of settled proposition of law by Hon'ble Apex Court in judgment reported in 2022 LiveLaw (SC) 341 (Man Singh Versus State of Uttar Pradesh) as well as 2024(1) PLJR (SC) 176 (Radheshyam Yadav Versus State of Uttar Pradesh) 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 any other relief(s) for which petitioners are found entitled to in the eye of law.”

3. The learned Single Judge while disposing the writ petition by the impugned order has been pleased to hold as follows:-

“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.”

4. Learned senior counsel for the appellants submits that, although they were not party to the writ petition filed by the petitioners, the order passed by the learned Single Judge is likely to affect their right; therefore, the L.P.A. may be



entertained. He further argues that the petitioners had earlier approached this Court seeking a similar relief in CWJC No. 17775 of 2015, which was disposed of on 07.02.2018 with certain directions. If the impugned order is allowed to stand, the appellants are likely to be adversely affected.

5. After perusing the impugned order, we find that only liberty has been granted to the petitioners to file a representation before the District Programme Officer (Establishment), Nawada. If such a representation is filed, it shall be considered by the said officer, and if it is found that the petitioners were discharging their duties from the date of initial appointment, i.e., 03.08.2015, the salary applicable to the post shall be paid to them without any delay.

6. Nothing said in this order, in our humble view, affects the right of the appellants; and the learned Single Judge has also not expressed any opinion on the merits of the claim of the writ petitioners. Therefore, it shall be entirely within the discretion of the District Programme Officer (Establishment), Nawada to consider such representation, if filed, and dispose of the same in accordance with law.

7. In view of the limited scope of interference in Letters Patent Appeal, and since we find no perversity or



illegality in the impugned order, we are not inclined to interfere with the same.

8. Accordingly the L.P.A stands dismissed.

9. Pending I.A., if any, also stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

