

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2984 of 2026

Saroj Kumar Singh Son of Prabhunath Singh, Resident of Village-Dharambari, P.O.- Dharambari, P.S. and District- Gopalganj, Presently working as Panchayat Teacher at New Primary School, Chak Pahar, Harijan Toli, Block-Baikunthpur, Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The District Education Officer, Gopalganj.
3. The District Programme Officer (Establishment), Gopalganj.
4. The Block Education Officer, Baikunthpur, P.O. and P.S.- Baikunthpur, District- Gopalganj.
5. The Headmaster, New Primary School, Chak Pahar, Harijan Toli, Block and P.S.- Baikunthpur, District-Gopalganj.
6. The Panchayat Secretary, Gram Panchayat Raj, Bakhari, Block and P.S.- Baikunthpur, District-Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bipin Bihari Singh, Adv. Mr.Prashant Kumar, Adv.
For the Respondent/s	:	Mr.Standing Counsel (22)
For the State	:	Mr.Raghwendra Kumar, SC-22

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 16-03-2026 Heard learned counsel for the petitioner and learned
counsel appearing for the respondent-State.

2. With the consent of the parties, this writ application
is being disposed of at this stage itself.

3. In the present writ application, the petitioner has
prayed for the grant of following reliefs:

“(i) Whether the respondent authorities



had committed serious error of record while withholding the payment of salary of petitioner from January, 2024 to till date against his continuous work in absence of reasonable/ valid reasons?

(ii) Whether the authorities had failed to appreciate that the Additional Chief Secretary, Education Department, Govt. of Bihar referring the order of Human Rights Commission had directed the authorities for not to stop the payments usually or without adverse but they denied maliciously?

(iii) Whether the authorities had failed to appreciate that taking work and denying salary is exploitation/ Beggar, which violates the mandate of Article 23 of the Constitution of India?

(iv) Whether the authorities had failed to appreciate that the non-payment of salary for working period is suffered from voice of discriminations as identical persons/ employees are receiving their salary against respective post but he was denied maliciously and unreasonably?

(v) Whether the authorities had failed to appreciate that the payment of arrear and current salary is no longer a bounty, which dependent upon pleasure of concern authorities rather it is in ambit of 'Right of Property', which are the constitutional rights and no one can permitted to escape from responsibilities caste upon them?

(vi) Whether the respondent authorities had failed to appreciate that the Additional Chief Secretary, Education Department, who is highest in the hierarchy of administration within department had specifically and categorically directed the District authorities within State for non-denial of payments for working periods consequently the authorities must oblige to release the payments against the works executed without if and but?

(vii) Whether the authorities had failed



to appreciate that withholding or denial of salary is worse than suspension for reasons that even in case of suspension concern employee provided subsistence allowances for survival of family as non-payment of salary to an employee amounts to depriving him of his livelihood and such person cannot be allowed to starve at the hands of the authorities without any justified reason?

(viii) Whether the respondent authorities had failed to appreciate that non-payment of salary is against the statutory provisions, constitutional obligations and provisions of service jurisprudence for which they are not suppose rather bound to obliged provisions in later and spirits or it was meant for in larger interest?

(ix) Whether the respondents had failed to appreciate that salary is essential for survival and payment of salary to the employees is only to eke out their livelihood during their service. If whole or part of the salary is deferred, it amounts to denial of right to life guaranteed under Article 21 of the Constitution of India?

(x) Whether actions of the respondents are malafide, arbitrary and without jurisdiction as well as abuse of power and authority due to wrong and ulterior motive?

(xi) Whether the actions of the respondent are otherwise bad in law and facts, which called upon necessary legal interference?"

4. After advancing some argument, learned counsel for the petitioner submits that for seeking the aforesaid reliefs, the petitioner has filed a representation dated 20.08.2025 which has been brought on record by way of Annexure- P/2 series before the District Education Officer, Gopalganj. He further



submits that the petitioner would be satisfied if an appropriate direction be issued to the District Education Officer, Gopalganj to dispose of the pending representation of the petitioner within fixed time frame after giving liberty of hearing to the petitioner.

5. The aforesaid submission made by learned counsel for the petitioner is not objected to by the learned counsel appearing for the respondent-State.

6. Considering the limited nature of prayer made by learned counsel for the petitioner, this writ application is disposed of directing the District Education Officer, Gopalganj to dispose of the pending representation filed by the petitioner dated 20.08.2025 within three months from the date of receipt / production of a copy of this order, after giving liberty of hearing to the petitioner.

7. Needless to emphasize that the final order which shall be passed by the District Education Officer, Gopalganj should be a reasoned and speaking order. It is further made clear that if the petitioner is found entitled to the relief which the petitioner has claimed through the representation, then the same should be extended to the petitioner within a further period of three months from the date of passing of the final order by the District Education Officer, Gopalganj.



8. With the aforesaid observation/direction and liberty granted, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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