

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5397 of 2024

Manjay Mukhiya son of Late Ramchandra Mukhiya, resident of Village-Bariyarpur, Police Station-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The District Education Officer, Muzaffarpur.
3. The Block Education Officer, Muzaffarpur-cum-Member Secretary, Block Employment Unit, Sakara, Muzaffarpur.
4. The District Programme Officer (Establishment), Muzaffarpur.
5. The Headmaster, Upgraded Middle School, Kutubpur, Bahadurpur District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Nibash Prasad, Adv.
For the Respondent/s	:	Mr. Birsu Prasad, GP-13 Mr. Shweta Anand, AC to GP-13

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 10-02-2026 Heard the parties.

2. The challenge in the present writ petition is made to an order contained in letter no. 8 dated 16.03.2023 (Annexure P/4) issued by Block Panchayat Raj Officer-cum-Executive Officer, Panchayat Samiti, Block Teacher Employment Unit, Sakara, Muzaffarpur whereby the petitioner has been directed to submit certificate with respect to training in the office of Block Education Officer, failing which the services of the petitioner is directed to be terminated. The petitioner also prays for a direction to ensure payment of his salary which has been



illegally withheld.

3. Learned Advocate for the petitioner submitted that admittedly the petitioner was appointed as Untrained Block Teacher on compassionate ground and since then he has been discharging his duty. However, since January, 2023, his salary has been withheld.

4. A counter affidavit has been filed on behalf of respondent no. 4. This Court is apprised that since the very appointment of the petitioner was bad and in violation of Section 23(1) of the Right to Education Act; and moreover, the petitioner is still untrained and thus, in the light of the order dated 20.03.2024 passed in L.P.A. No. 748 of 2022, the petitioner is found not entitle for continuance as untrained teacher.

5. Learned Advocate for the petitioner submitted that identical order has been questioned in C.W.J.C. No. 2556 of 2021 alongwith other analogous cases, which came to be dismissed vide order/judgment dated 19.10.2022. The aforesaid order was challenged in L.P.A. No.795 of 2022 along with other analogous cases and the matter came up for consideration before the Full Bench of this Court and the learned Full Bench unequivocally held that the teachers who remained untrained, their services



have to be terminated. The order passed by the learned Full Bench of this Court has been put to challenge before the Hon'ble Apex Court in S.L.P. Nos. 10872-10898 of 2024, wherein the Apex Court vide its order dated 17.05.2024, had directed that until further orders, the status quo has to be maintained and the petitioner and other identically situated persons are still continuing in their services. In the meanwhile, the Additional Chief Secretary, Government of Bihar vide letter no.7 as contained in Memo No.734 dated 08.07.2022, directed all the District Education Officer to make timely payment for work done by the employees but the same has still not been complied, compelling the petitioner to approach before this Court.

6. Learned Advocate for the State seeks a short adjournment to apprise the present position with regard to admissibility of the claim of the petitioner for salary.

7. Considering the submissions advanced by learned Advocate for the respective parties and taking note of the nature of the grievance set forth, this Court deems it fit and proper to dispose off the writ petition with a liberty to the petitioner to file a fresh representation before the District Programme Officer, Establishment, Muzaffarpur, preferably within a period of two weeks from today.



8. In case such a representation is filed, the concerned respondent shall bring to its logical conclusion in the light of the discussions made hereinabove, as also the letter issued by the Additional Chief Secretary, Education Department as contained in Memo No. 734 dated 08.07.2022, whereby all the District Education Officers have been directed to make timely payment for work done by the employees, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

9. It is made clear that if the claim of the petitioner finds favour, necessary consequential order be passed within the period stipulated.

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

(Harish Kumar, J)

supratim/-

U			
---	--	--	--

