

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6204 of 2026

1. Anil Chaudhary Son of Badri Chaudhary at present working as Prakhand Teacher of U.M.V. Kajhiya Prakhand Akbarpur, District- Nawada.
2. Israt Bano, Daughter of Md. Islam at present working as Prakhand Teacher at Rajkiya M.V. Fatehpur, Prakhand Akbarpur, District-Nawada.
3. Sunita Kumari, Daughter of Sita Ram at present working as Prakhand Teacher at U.M.V. Kajhiya Prakhand Akbarpur, District- Nawada.
4. Amrita Devi Daughter of Sri Suresh Chauhan at present working as Prakhand Teacher at U.M.V. Paharpur Prakhand- Akbarpur, District- Nawada.
5. Sarita Kumari, Daughter of Shiv Balak Paswan at present working as Prakhand Teacher as M.V. Sherpur Pakari Prakhand-Akbarpur, District- Nawada.
6. Arvind Kumar, Son of Shri Janki Ram at present working as Prakhand Teacher as M.V. Kulna Prakhand- Akbarpur, District-Nawada.
7. Ratan Kumar, Son of Arjun Chaudhary, at present working as Prakhand Teacher as M.V. Paharpur Prakhand- Akbarpur, District Nawada.
8. Sanjay Kumar, Son of Ram Autar Prasad at present working as Prakhand Teacher at M.V. Kulna Prakhand- Akbarpur, District-Nawada.
9. Shanjeev Kumar Son of Kedar Singh at present working as Prakhand Teacher at M.V. Kulna Prakhand- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary 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.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shivam
For the Respondent/s : Mr.Government Pleader (13)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 28-04-2026 Heard learned counsel for the petitioners
and learned counsel for the State.

2. The petitioners have filed the instant writ



application for the following reliefs:-

(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. Learned counsel for the petitioners submits that the petitioners are working on the post of Prakhand Teacher and on certain complaints having been filed by certain aggrieved persons, the salary of the petitioners, for reasons unexplained, have not been paid from the date of initial appointment i.e. 03.08.2015 to till today. It is very astonishing that while the petitioners are being allowed to work, their salaries are not being paid, even if their appointment might be under cloud.

4. At this stage, learned counsel for the State submits that, upon perusal of the order dated 02.09.2025 passed in C.W.J.C. No. 14166 of 2025, it appears that the case of the petitioners is similar, and the appeal preferred by the unsuccessful candidates has not yet been decided by the Appellate Authority.

5. To such submissions of the State-counsel, the counsel for the petitioner has submitted that the unsuccessful candidates, being aggrieved with the order passed in C.W.J.C. No.14166 of 2025 had filed a review petition before this Court, which was dismissed and thereafter LPA No. 61 of 2026 was preferred, which also stood dismissed. The said fact is not controverted by learned counsel for the State. It is the case of the petitioner that



the case of the petitioners are covered by the order dated 02.09.2025 passed in C.W.J.C. No. 14166 of 2025.

6. In view of the above, this Court is of the opinion that when the petitioners are being allowed to discharge their duties, they are entitled to salary for the posts against which such duties are being performed. Learned counsel for the petitioners has also drawn the attention of this Court to certain decisions of this Court as well as of the Hon'ble Apex Court, wherein it has been held that complaints questioning appointments are required to be adjudicated by the District Appellate Authority. It appears that such complaints have already been filed against the petitioners and similarly situated persons.

7. Be that as it may, since these petitioners are allowed to work and discharge the duties against the posts in question, and there is no order or decision of the competent authority removing them from the said posts, they are entitled to salary of the post which is being discharged by these petitioners.

8. 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.

9. The entire exercise must be completed within a period of four weeks from the date of filing of such representation by the petitioners.

10. With the aforesaid observation and direction, the instant writ application stands disposed of.

(Ajit Kumar, J)

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