

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7594 of 2025

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Akbar Ali Son of Abdul Kalam, Resident of Village- Ekma, P.O.- Dih Jevat,
Gram Panchayat dih Jeevar, P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Mass Education, Education Department, Govt. of Bihar, Patna.
4. The District Magistrate, Muzaffarpur.
5. The District Education Officer, Education Department, Muzaffarpur.
6. The District Program Officer, Secondary Education and Literacy, Muzaffarpur.
7. The Block Education Officer, Aurai, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Respondent/s : Mr. Government Pleader (20)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief(s):-

*“1. That this is an application for
issuance of a Writ in the nature of
Mandamus commanding and directing the
respondents to pay arrear of salary of the
petitioner from 05/08/2015 till 28/02/2023
without further delay with appropriate rate
of interest and the respondents should be
directed not to harass the petitioner without
any reason and / or pass any other order/
orders, direction/ directions for which the*



petitioner is found legally entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner has filed a representation before the District Programme Officer, Muzaffarpur, but no decision has been taken on his representation.

4. Learned counsel for the State, on the other hand, submits that the relief, as prayed for by the petitioner, to pay the salary from 05.08.2015 to 28.02.2023 cannot be granted to him in light of the observations made in the order dated 21.09.2022, passed in CWJC No. 16495 of 2018. Counsel also submits that the writ petition may be dismissed.

5. Upon perusal of the judgment passed in CWJC No. 16495 of 2018, it transpires to this Court that, in the said judgment, the learned Single Judge has taken note of the observations made in CWJC No. 11447 of 2018 (Md. Ejaz Kausar Khan & Ors. v. The State of Bihar & Ors.) at paragraph 30, wherein the Hon’ble Court was pleased to hold that *“Those petitioners whose services were dispensed with shall be entitled to reinstatement with continuity in service and would be also entitled to payment of their salary as above. However, for the period they have not worked, they will be only given benefit of*



notional salary following principles of no work no pay. The petitioners would be now allowed to continue as regular teachers as per the scheme. The petitioners shall be granted the same status as granted to other volunteers of the Taleemi Markaz who have been taken over by the State Government.”

6. This Court further feels it necessary to quote the order dated 23.09.2022, passed in CWJC No. 9848 of 2018 (Akbar Ali vs. The State of Bihar & Ors.) along with other analogous cases which is as follows:-

“Heard the parties through video conferencing.

It is submitted that in the order dated 05.09.2022 the case number of C.W.J.C. No. 4677 of 2021 has inadvertently been mentioned as C.W.J.C. No. 4677 of 2022.

Let it be read as C.W.J.C. No. 4677 of 2021.

The order dated 05.09.2022 is modified to the extent indicated above.

These cases are allowed in terms of the order passed in C.W.J.C. No. 16495 of 2018 on 21st September, 2022.”

7. In view of the aforesaid, this Court is of the firm view that, for the period the petitioner has not worked, he will



only be given the benefit of notional salary, following the principle of “no work, no pay,” and he will be allowed to continue as a regular teacher as per the scheme. This Court is also of the view that the petitioner is not entitled to payment of salary from 05.08.2015 to 28.02.2023.

8. However, if the petitioner is in a position to correctly place before the authority that the termination was made in 2018, but prior to 2018 he had worked for some period, liberty is granted to file a fresh representation clarifying each and every aspect with supporting documents, and upon receipt of the fresh representation filed by the petitioner, the District Programme Officer, Secondary Education and Literacy, Muzaffarpur (respondent No. 6) shall pass an order within 90 days.

9. Accordingly, the writ petition stands disposed of.

(Dr. Anshuman, J.)

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