

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18900 of 2021

Pushpa Kumari Wife of Arun Kumar Resident of Village Chipura Kala, P.O.- Chipura Khurd, P.S.- Gaurichak, District- Patna, presently posted as Panchayat Teacher, Government Primary School- Chipura Kala, Block- Sampatchak, Dist- Patna.

... .. Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Human Resources Development Department Government of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department Government of Bihar, New Secretrait, Patna
3. The Director Panchayat Raj, Bihar, Patna
4. The District Magistrate Patna
5. The District Programme Officer, Patna
6. The District Panchayat Raj Officer, Patna
7. The Block Development Officer, Sampatchak Patna
8. The Block Education Officer, Patna
9. The Gram Panchayat, Chipura Khurd, Block- Sampatchak, Patna through its Secretary
10. Mukhiya, Gram Panchayat, Chipura, Block- Sampatchak, Dist- Patna
11. The Panchayat Secretary Gram Panchayat Chipura Khurd Sampatchak, Dist- Patna
12. The Principal-in- charge, Government Primary School, Chipura Kala, Sampatchak, Dist- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Verma Mr.Onkar Mr.Ajit Kumar Singh
For the State	:	Mr.Madhukar Mishra (Ac to Sc16)
For Respondent No.11	:	Mr.Satish Kr. Sinha

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

7 05-01-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This Court on 14.10.2025 has directed for passing



necessary orders with regard to payment of salary as against the duties which are said to have been discharged by this petitioner, for which she is entitled in law, and the extract of the order passed is re-produced as under:-

“Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner submits that vide Annexure-P/3, without holding any enquiry by following principles of natural justice, the petitioner’s appointment was held to be forged and accordingly, the petitioner was removed from the service. It has next been submitted that this order was passed during pendency of the writ petition being C.W.J.C. No. 7028 of 2011, filed for payment of salary, and, therefore, the same became the subject matter of consideration through I.A. No. 1098 of 2013 and was accordingly challenged in the said writ petition and further Civil Review preferred being Civil Review No. 142 of 2013 having been considered and the writ petition was allowed setting aside that order of termination, passed by the Block Education Extension Officer, Sampatchak, Patna. In pursuant thereto, Annexure-P/8, as contained in Letter No. 13, dated 04.12.2014 and Letter dated 16.12.2014, appended in the writ petition as Annexure-P/9 is said to have been issued, whereby the petitioner was allowed to work on the post of Panchayat Teacher without any hindrance.

3. It has next been submitted that after having issued Annexures- P/8



and P/9, whereby the petitioner was allowed to discharge the duties of the said post, still the regular salaries have not been paid and now she is not being permitted to mark her attendance.

4. Learned counsel for the respondents is directed to take instructions in this case and bring on record the necessary orders with regard to payment of salary, in compliance with the direction issued by a Coordinate Bench of this Court, where the services of this petitioner was restored in continuity by the respondents, who have allowed the petitioner to continue in service since 16.12.2014 and intermittently at some interval certain amounts have been paid as against the salary.

5. In view of the above, it is made clear that within the period of four weeks from today, the salary, for which the petitioner is entitled in law since the date of issuance of Annexures- P/8 and P/9, necessary orders shall be passed by the Block Development Officer, Sampatchak, Patna (Respondent No. 7) and paid to the petitioner, failing which, on the next date of hearing, the Block Development Officer, Sampatchak, Patna shall be present in the Court to justify his action for not carrying out his legal obligation.

6. List this case on 18.11.2025.”

3. Again this matter was taken up and the counsel for the respondents apprised this Court that with regard to payment of salary needful actions are required to be taken by Panchayat Secretary, Gram Panchayat Chipura and Block Education



Officer, Sampatchak, who may accordingly be directed to file their response for adjudication of the dispute in question, and accordingly, on 25.11.2025, the following order was passed:-

“Learned counsel for the petitioner is directed to file rejoinder to the counter affidavit filed on behalf of Respondent No.7/the Block Development Officer, Sampatchak, Patna who has apprised this Court through the affidavit that this matter is related with ‘Panchayat Niyojan Eekai’ and the needful action for payment of the salary to this petitioner has to be taken by Respondent No.9/Panchayat Secretary, Chipura, Block- Sampatchak, Patna and Respondent No.8/the Block Education Officer, Sampatchak, Patna. From the counter affidavit filed on behalf of the Respondent No.7/the Block Development Officer, Sampatchak, Patna, it appears that vide letter no. 1300 dated 22.10.2025, he has informed the Block Education Officer, Samapatchak and vide letter no. 1314 dated 24.10.2025 to the Respondent No.11/the Panchayat Secretary, Gram Panchayat Chipura, Sampatchak, Dist- Patna to file appropriate affidavit in this case for adjudication.

2. Learned counsel representing Respondent No.11/the Panchayat Secretary, Gram Panchayat Chipura, Sampatchak has appeared in this case and prays for some time to file response to the counter affidavit seeking intervention of this Court for a direction upon the learned counsel for the petitioner to serve a copy of the writ petition and other affidavits which have been filed in this case.



3. *Learned counsel for the petitioner undertakes to serve a copy of the instant writ petition along with other affidavit which have been filed in this case enabling learned counsel for Respondent No.11 to file the response within a period of one week from today.*

4. *Respondent-State is also directed to take instruction from Respondent no.8/ the Block Education Officer, Sampatchak, Patna, as to why this petitioner is not being allowed to mark her attendance for the duties discharged by her.*

5. *It is also made clear that if there is no hindrance in allowing her to mark attendance as against the duties discharged, the same shall be allowed by passing appropriate order by the concerned authority and the said order will be brought on record by the next date of hearing for consideration of the Court."*

4. In view of the order dated 14.10.2025 and 25.11.2025, the counsel representing Respondent No. 11 - Panchayat Secretary Gram Panchayat Chipura Khurd Sampatchak, Dist- Patna has appeared and fairly submitted that in view of the Inquiry Report of District Panchayati Raj Officer of the year 2007 having been quashed by Co-ordinate Bench of this Hon'ble Court vide order dated 12.07.2013 passed in CWJC No. 798 of 2011 (***Shashikala Devi vs. State of Bihar & Ors.***) Annexure-P/22, now nothing survives, which could hinder the implementation of relief sought by this petitioner.



5. In view of submissions so made by counsel for the respondent concerned, the Respondent No. 11 is directed to pass necessary orders in view of the report having been quashed by Co-ordinate Bench, by permitting this petitioner to mark her attendance in the school, and as also to ensure the payment of salary for the duty discharged by referring to the records, by passing an appropriate order within a period of six weeks from the date of representation with all supportive materials including order passed by this Court.

6. Accordingly, the instant writ petition stands disposed of.

(Ajit Kumar, J)

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