

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Civil Writ Jurisdiction Case No.7648 of 2020

Umesh Kumar Suman

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.  
For the Respondent/s : Ms. Binita Singh, SC-28  
Mr. Ram Vinay Prasad Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA**  
**ORAL ORDER**

23 22-06-2022

Heard the parties.

It is informed by the senior counsel appearing on behalf of the petitioners that the petitioners have been working since 13.04.2018 but their salary has been withheld without any reason or rhyme. In the case of Man Singh Vs. State of U.P. vide 2022 live law SC 341, the Apex Court has held that even if appointment was irregular, State has to pay salary for work done by the employee.

This court notices that in the present case 23 adjournments have been taken by learned counsel for the State and today also learned counsel for the State seeks adjournment without giving any reason. The conduct of the respondents is not acceptable. The situation in the State of Bihar with regard to non-payment of the salary to the teachers is a matter which has



resulted in a huge litigation coming up before this court. The concerned officers are stopping the salary without passing orders of any suspension or taking any disciplinary action. The State authorities at the highest level deserve to take notice of such aspects and take steps for release of salary to the teachers, if they are working, so that there may not be unnecessary burden on this court relating to litigation regarding payment of the salary. In a bunch of matters, a co-ordinate Bench in **CWJC No.16214 of 2019 in Md. Ataur Rahman Vs. The Union of India** has also directed the union of India and its functionaries to release salary of teachers working in the State of Bihar.

This Court too has directed that merely on account of any doubt relating to educational qualifications of the teachers salary of a teacher ought not be stopped and the course as required to be followed under the rules may be adopted for the said purpose. Any teacher or for that matter any employee, who is performing his duty is entitled to receive salary for the period he is on duty. However, it appears that the senior officers of the education department are completely ignoring the aforesaid aspects and are showing a blind eye.

In the circumstances, this court in order to create awareness, deems it appropriate to direct the Secretary, Finance

to withhold the salary of the Principal Secretary, Education Department, Director, Education and the concerned District Education Officers of all the districts in Bihar for a period of one month. The affidavit may be filed of the concerned respective officers in the court informing the steps which shall be taken for releasing salary of the teachers who are presently employed with the state.

The learned Advocate General is directed to assist this court in regard to the aforesaid aspects.

List this case again along with other similar matters on 11<sup>th</sup> July, 2022.

**(Sanjeev Prakash Sharma, J)**

