



2025:PATHC:102868

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18842 of 2025**

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1. Md. Prawej Hyat, Son of Md. Majid Alam, Resident of Jalaha, Sanokhar, Bhagalpur, Bihar- 852125.
  2. Md. Afsar Ansari, Son of Md. Razzaque Ansari, Resident of Near Masjid, Radhanagar, Kishunpur, Amkhorh, Bhagalpur, Nathnagar, Bihar- 812006.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Education Department, Government of Bihar, Patna.
2. The Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Bhagalpur.
5. The District Programme Officer (Establishment), Bhagalpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Isshan Singh, Adv.  
For the Respondent/s : Mr. Addl. Advocate General (12)

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      24-11-2025      Heard the parties.

2. The petitioners by approaching this Court seeking issuance of a writ in the nature of Mandamus directing the concerned respondents to ensure payment of their due salary for the working period since September, 2024.

3. The petitioners were duly appointed on compassionate ground in the year 2017 and after discharging their duty for a pretty long period, they were sent for obtaining





two years training. Having successfully completed their training, they submitted their joining in their respective schools, in the month of August, 2024, but, surprisingly, since then, they were not getting salary, on the premise of their appointment having been obtained without training. The matter has come up for consideration before the Division Bench in L.P.A. No. 795 of 2022 alongwith analogous cases and later came up for consideration before the Apex Court in S.L.P. No. 10872-10898 of 2024, wherein the Hon'ble Apex Court vide its order dated 17.05.2024, has directed that until further orders, the *status quo* has to be maintained.

4. Learned Advocate for the petitioners submitted that they have been still discharging their duties, but without any payment of salary. The Hon'ble Apex Court in the case of ***Man Singh vs. State of Uttar Pradesh, 2022 live law SC 341*** categorically held that even in a case where the appointment may have been irregular, but the applicant has rendered actual service. In such case, he is entitled to salary and retiral benefits. The Apex Court categorically observed that State cannot expect work without due remuneration. Based upon the afore-noted decision, the Additional Chief Secretary, Government of Bihar vide letter no. 7, as contained in Memo No. 734 dated





18.07.2022, directed all the District Education Officers to ensure timely payment for work done by the employees, but the same has not been complied as yet, Hence the present writ petition.

5. Learned Advocate for the State submits that since the matter is pending adjudication before the Apex Court, final decision with regard to payment of salary shall be taken after disposal of the afore-noted S.L.P..

6. Having considered the submissions advanced by learned Advocate for the respective parties, this Court finds substance in the submission of learned Advocate for the petitioners that once the petitioners have been discharging their duty, in such circumstances, they are entitled to get remuneration, though subject to the result of the final outcome of any litigation pending for adjudication.

7. In such circumstances, this Court left with no option, but to direct the District Education Officer, Bhagalpur to consider the claim of the petitioners for payment of their due salary since September, 2024, till date, preferably within a period of eight weeks' from the date of receipt/production of this order, keeping in mind the order of the Additional Chief Secretary, as contained in Memo No. 734 dated 08.07.2022 and the decision of the Apex Court referred herinabove.





8. The writ petition stands disposed off.

**(Harish Kumar, J)**

supratim/-

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