

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3048 of 2015

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1. Mangal Sahani Son of Late Lakshmi Sahani resident of village - Godol
Sarif, P.S. Nanpur, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Sitamarhi
3. Sub - Divisional Officer, Sitamarhi (East)
4. The Circle Officer, Bokhra Block, Sitamarhi
5. Officer Incharge of Nanpur Police Station

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Respondent/s : Mr. R.R.K. Pandey. S.C. 29

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER

3 27-04-2015 The appointment or joining of the petitioner was conditional as would be evident from a reading of Annexure-2. This is not only with regard to the present petitioner but with regard to 28 other persons. The order in question is annexure-2 dated 26.12.2009. Since this order of the then District Magistrate, Sitamarhi was a conditional order which never came to be challenged at any point of time either by the petitioner or by any other beneficiaries. If it is so then obviously the petitioner was granted benefit of salary for past period when he had not worked which is obviously an illegal gain by the petitioner contrary to annexure-2 which has been rightly withdrawn by annexure-4.

Annexure-4, the order dated 12.12.2014,

therefore, is not required to be interfered with after perusing the stand of the respondents in the counter affidavit especially when no such benefit has been extended to any other person whose name figures in annexure-2.

This writ application is, thus, dismissed.

(Ajay Kumar Tripathi, J)

Amin/-

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