

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7106 of 2011

=====

Smt. Parmita Kumari, wife of Ranjan Kumar Baitha, resident of village-
Machhpakouni, P.O. Bela, Machhpakouni, P.S. Bela, Block-Parihar,
District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar
2. Principal Secretary, Human Resources Development Department, Govt.
of Bihar, Patna
3. Director, Primary Education, Bihar, Patna
4. District Magistrate, Sitamarhi
5. District Superintendent of Education, Sitamarhi
6. Block Development Officer, Parihar Block, District- Sitamarhi

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Respondent/s : Mr. AC to SC-19

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 27-11-2015 Heard Sri Pramod Kumar, learned counsel for the
petitioner and learned AC to SC-19.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the Respondents to pay salary for the period in between 25.01.2008 to 18.07.2009 with interest @ 12 % per annum.

Learned counsel for the petitioner submits that the petitioner was earlier appointed as Block Teacher. However, subsequently she was terminated from her service by order dated 25.01.2008 on the ground that she was not having requisite qualification. In similar manner, services of many other teachers were terminated, however some aggrieved persons approached



this Court and a writ petition vide C.W.J.C. No.5863 of 2008 was allowed with all consequential benefits. Subsequently, all other similarly situated persons were reinstated. The petitioner was reinstated by order dated 17th July, 2009 vide Annexure-10 to the writ petition. It has been argued that without any fault of the petitioner, the petitioner was deprived from functioning as teacher, however the petitioner was reinstated and, as such, the petitioner is entitled to get salary for the period during which she was illegally removed. He submits that the writ petitions in respect of other persons were also allowed with all consequential benefits. It has been prayed that the petitioner is also entitled for the same relief.

In this case, a counter affidavit has been filed on behalf of the State and a stand has been taken that the petitioner is not entitled to get salary for the period, during which she had not worked, on the principle of “no work no pay”. Learned State Counsel has opposed the prayer of the petitioner by way of referring to the statements made in the counter affidavit. Learned counsel for the petitioner has argued that this principle is not applied in the petitioner’s case.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. It is admitted fact that the petitioner had not approached this Court nor any direction

has been issued by this Court for reinstatement of the petitioner with all consequential benefits. It is also admitted fact that the petitioner had not worked for the period in between 25.01.2008 and 18.07.2009. Meaning thereby that the petitioner had not worked for the said period. In view of facts and circumstances, particularly the fact that on the principle of “no work no pay, the petitioner is not entitled to the same relief.

The writ petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--