

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4788 of 2014

In

Civil Writ Jurisdiction Case No. 23719 of 2012

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1. Shekhar Kumar Choudhary Son of Sushil Choudhary Resident of Village - Lagma, P.S. Sakatpur, District ĳ Darbhanga .

2. Veena Kumari W/O Krishna Mohan Thakur Resident of Village - Bramhpur, P.S. Ghoghardiha, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar.

2. Shri R.K. Mahajan, Son Of Not Known to the Petitioners at Present Principal Secretary, Primary Education, Human Resources Development Department, Govt. o f Bihar, Patna

3. Shri Giriwar Dayal Singh son of name not known to the Petitioners at Present District Magistrate, Madhubani.

4. Shri Faizul Rahman son of name not known to the Petitioners at Present District Programme Officer, Madhubani

5. Shri Faizl Rahman son of name not known to the Petitioners at Present incharge of Regional Education Officer, Jhajharpur, District - Madhubani

6. Shri Anil Kumar S/o name not known to the Petitioners at Present Block Development Officer, Lakhnaur, District - Madhubani null null

7. Shri Yogi Thakur S/o name not known to the Petitioners at Present Block Education Officer, Lakhnaur, District - Madhubani

8. Shri Krishna Nand Jha S/o name not known to the Petitioners at Present Mukhia, Gram Panchayat Raj Madanpur, P.S. Madhepur, District Madhubani

9. Shri Raja Ram Singh S/o name not known to the Petitioners at Present Panchayat Secretary, Gram Panchayat Raj, Madanpur, P.S. Madhepur, District - Madhubani

10. Shri Bhagwan Dutt Yadav S/o Laxmi Yadav at Present Head Master, Govt. Primary School, Sahrai (H), P.S. Madhepur, District - Madhubani

11. Shri Bhagwan Dutta Yadav S/O Laxmi Yadav Resident of Village - Rahi Tol (Madanpur Panchayat) P.S. Madhepur (R.S. SibirJhanjharpur) District Madhubani .

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha

For the Respondent/s : Mr. Kundan Bhadur Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

5 09-09-2015

Heard the parties.

In the present application the petitioners have

claimed that the order 29.2.2014 passed in C.W.J.C. No.23719 of 2012 has not been carried out properly. While disposing of the aforesaid writ petition this Court has passed the following order:

“The District Programme Officer is directed to look into the grievance of the petitioners and take a proper step so that they should be allowed to work in the school and be allowed to mark the attendance. It goes without saying, if the petitioners are discharging their duty, certainly they are entitled to the salary for the rest period. The competent authority (District Programme Officer) will examine the attendance register provided to them and after proper verification and satisfaction will pay their salary for the rest period of work done by them.”

District Programme Officer has made an averment in the show cause that one Bhagwan Datt Yadav is the sole teacher and headmaster of School no such person like Shekhar Kumar Chaudhary and Veena Kumari were working in the school. So much so the petitioners never gave the joining in the school nor they worked for a single day nor they are presently working in the school, therefore, the question of payment of salary does not arise.

In such situation, this Court cannot find out the real truth behind screen whether the statement made by the

petitioners is correct or whether the statement made by the District Programme Officer is correct. It can be done by the ground level authority.

In this view of the matter, the Collector, Madhubani is directed to examine the case of the petitioner and hold an enquiry after giving due notice to parties on the following points:

- (i) Whether the appointment of petitioners have been done legally and properly after following due process of law.
- (ii) The attendance register on that basis petitioners are claiming working is a proper register of that school
- (iii) Whether any forgery or manipulation of record has been done by any of the party with respect to the present matter.
- (iv) Whether petitioners are entitled to any salary.

If it is found that some illegal act, forgery and manipulation of record has been done, the Collector, Madhubani is directed to take suitable action either departmentally as well as filing of criminal case against the

person responsible. The enquiry should be completed within a period of six months form the date of receipt/production of a copy of this order.

With the aforesaid observation and direction this application is disposed of.

(Shivaji Pandey, J)

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