

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1262 of 2012

IN

Civil Writ Jurisdiction Case No. 10277 of 2009

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Siya Ram Singh, S/o Late Ram Autar Singh, resident of Village- Ambakala, P.S-
Piparahi, District- Sheohar. Petitioner/Appellant.

Versus

1. The State of Bihar through the Principal Secretary/ Commissioner, Human
Resources Development Department Government of Bihar, Patna.
 2. The Director (Secondary Education), Bihar, Patna.
 3. The Regional Deputy Director Of Education, Muzaffarpur.
 4. The District Education Officer, Sheohar.
 5. The Head Master, Project Girls High School, Tariyani, Distt- Sheohar.
 6. The Head Master, Project Girls High School, Tariyani, Distt- Sheohar.
 7. The Head Master, Thakur Ram Nandan Rajendra High School, Fatehpur, Distt-
Sheohar.
 8. The Head Master, Kalawati Jiyalal Project High School, Ambakala, P.S-
Piparahi, Distt- Sheohar. Respondents/Respondents.
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Appearance :

For the Appellant : Mr. V.R.P. Singh with Mr. Rajan, Advocates.

For the Respondents : Mr. Sanjay Kumar, AC to SC-10.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 20-02-2015

Heard learned counsel for the appellant and the State.

The writ petitioner/appellant had filed a writ petition

claiming that he was a clerk duly appointed in a Project School. He claimed salary for the period June, 1996 to June, 1999 and March, 2000 to April, 2001 and also for payment of bonus and dearness allowance for the year 1996. The learned Single Judge has found that the competent authority to decide the issue is the Director, Secondary Education and directed the Director to make an enquiry and take needful action immediately.

Learned counsel for the appellant pointed out that he has no grievance to the aforesaid direction which is in his favour but he is aggrieved by what was said by the learned Single Judge thereafter. The learned Single Judge took upon himself to hold that how the writ petitioner/appellant was transferred from one Project School to another. He further directed the Director that he should enquire into this illegality and finding upon the wrong transfer, disentitle the petitioner to wages for the period he worked wrongly in a wrong school and take action against the persons who wrongly transferred the writ petitioner.

Having considered the matter, we are of the opinion that the learned Single Judge travelled beyond the scope of the writ petition. Whether the petitioner was legally transferred or not is not the look out of the petitioner. We are constrained to set aside that part of the judgment of the learned Single Judge by

which the learned Single Judge has directed to take action in depriving the writ petitioner/appellant of his wages for the transferred period and to take action against him.

With this modification in the order of the learned Single Judge, this appeal is disposed of.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Trivedi/NAFR

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