

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2110 of 2015

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1. Roshan Ara Wife of Mir Hamza Resident of village-Narayan chak, Police station-Marhaura, District-Saran (Chapra).
 2. Neelam Kumari Wife of Madan Singh resident of village- Semal Sarai Tola (Ram Garwa) P.S. Marhaura, District- Saran(Chapra).
 3. Ramawati Kumari Wife of Ram Nath singh Resident of village-Jagdishpur, P.S. Marhaura, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar Through the Principal Scretary, Human Resources Development Department, Bihar, Patna.
2. The District Education Officer, Saran at Chapra.
3. The District Education Programme Officer, Saran at Chapra.
4. The Block Education Extension Officer, Mahoura, District-Saran at Chapra.
5. The Appellate Authority, District Teacher Appointment Appellate Tribunal, Saran at Chapra.
6. The Mukhiya, Gram Panchayat Raj Madhopur, District-Saran at Chapra.
7. The Panchayat Secretary, Gram Panchayat Raj, Madhopur, District-Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Rai

For the Respondent/s : Mr. Vishwambhar Prasad, AC to AAG-IX

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-02-2015

05.02.2015

Heard learned counsel for the parties.

Petitioners are contractual appointees. It is only when they render service that they are entitled to remuneration. Merely because of termination of their contract was held to be illegal, it does not mean that they are entitled for payment of their emoluments for the period they have not rendered service. This is the finding, which has been given by the District Teachers Employment Appellate Tribunal, contained in Annexure-7.

It is further made clear that the petitioners' status cannot be equated with a permanent government servant where an illegal termination amounts to award of compensation by giving direction for salary and other consequential benefit. Status of these petitioners are otherwise.

Writ application stands dismissed with observation as above.

(Ajay Kumar Tripathi, J.)

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