

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6617 of 2011

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Shiv Shankar Jha son of Late Pratap Jha , resident of Village - Ganauli,
P.S. - Andhrathadi, Distrcit - Madhubani

.... Petitioner

Versus

1. The Sanskrit Siksha Board through its Secretary, Bihar, Patna
2. The Secretary, Bihar Sanskrit Siksha Board, Patna
3. The (D.E.O.) District Education Officer, Madhubani, District-Madhubani
4. The Head Master Primary-Cum-Middle -Sanskrit School, Kasmagaur, P.S. Andhrathadi, District- Madhubani
5. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Respondent/s : Mr. Sanjay Kr No.1 Sc12

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 14-12-2015 It is unfortunate that despite specific direction was issued for appearance of the District Education Officer, Madhubani and filing counter affidavit before the next date, no counter affidavit has been filed till date. This order was passed on 30.11.2015. Apparently, it is a contemptuous act on the part of the District Education Officer. Though Respondent no.3/ District Education Officer, Madhubani, namely, Sri Anil Kumar Verma has appeared in person and prayed for excuse for not filing of counter affidavit. He submits that recently in the month of July, 2015 he has joined the office and, as such, he failed to file counter affidavit.

The present writ petition was filed in the month of April, 2011 with a prayer to direct the Respondents to make payment of his due salary to the tune of Rs. 61,051/- with statutory interest. It has been claimed that though the Secretary of the Bihar Sanskrit Shiksha Board has already made recommendation to the District Education Officer, Madhubani vide letter dated 09.06.2005 in respect of claim of the petitioner of his due salary total amounting to Rs.83,728/-, only a meager amount was paid till date and huge amount to the tune of Rs.61,051/- has not been paid.

In view of Annexure-1 to the writ petition and in absence of any counter affidavit, the Court proposes to dispose of the writ petition with a direction to the District Education Officer, who is present in Court, to make payment of the aforesaid amount to the petitioner within a period of eight weeks from today, failing which the petitioner shall be paid the said amount with simple interest @ 8% per annum, which is to be calculated from the date of claim of the petitioner and said amount may be recovered from the person responsible for delay.

The writ petition stands allowed.

(Rakesh Kumar, J)

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