

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4840 of 2011

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Abha Kumari, daughter of Sri Suresh Prasad Singh and wife of Sri Debesh
Nandan Singh, resident of village- Pasiya, P.S. Sangrampur, District- Banka
..... Petitioner

Versus

1. The State of Bihar
2. District Magistrate, Banka
3. District Superintendent of Education, Banka
4. Block Development Officer, Block-Belhar, District- Banka
5. Block Education Extension Officer, Belhar, Banka
6. Mukhiya, Gram Panchayat, Basmata, Block-Belhar, District-Banka
7. Panchayat Secretary, Gram Panchayat, Basmata, Block- Belhar, District-Banka
8. Headmaster, Primary School, Dhawa Taar, Block- Belhar, District-Banka

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 06-11-2015 Heard Sri Anil Kumar Singh, learned counsel for the
petitioner and learned AC to SC-22.

The petitioner, who is a Panchayat Teacher, had
approached this Court invoking its writ jurisdiction under Article-
226 of the Constitution of India, with a prayer to direct the
Respondents to pay her salary, which was due since 01.09.2007.

In this case, till date no counter affidavit has been filed,
whereas time was granted to the State Counsel in the year 2011
itself for filing counter affidavit. However, learned counsel for the
petitioner submits that during pendency of the writ petition, entire
due salary of the petitioner has already been paid . Only for the

period, during which the petitioner was on maternity leave, salary has not been paid. He makes a prayer for disposal of the writ petition with a direction to the Respondents to examine the claim of the petitioner and pay the said dues.

In view of facts and circumstances, particularly the fact that no counter affidavit has been filed till date, the Court proposes to dispose of the writ petition granting liberty to the petitioner to file proper representation before the Block Education Extension Officer, Belhar, Banka (Respondent no.5) and copy to the District Education Officer, Banka raising her claim in respect of salary of maternity leave period. If such representation is filed by the petitioner within a period of eight weeks from today, the concerned Respondent is directed to examine the same and take steps for payment of the said dues in accordance with law within a period of two months after filing of such representation. If the Respondent considers that the petitioner is not entitled for the said claim, a speaking order must be passed and communicated to the petitioner within the aforesaid period.

The writ petition stands disposed of.

(Rakesh Kumar, J)

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