

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21408 of 2013

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Anita Kumari D/o Jagdish Ram, W/o Sri Kapleshwar Ram, resident of village
Madhopur Beldari, P.O. Madhopur, P.S. Laukaha, Distirct Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources
Development Department, Bihar, Ptna
2. The Director, Primary Education, Bihar, Patna
3. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga
4. The District Magistrate, Madhubani
5. The District Education Officer, Madhubani
6. The District Programme Offricer (Establishment), Madhubani
7. The Block Education Extension Officer, Block- Khutouna, District Madhubani
8. The Panchayat Secretary, Gram Panchayat Raj Madhopur, Block Khutouna,
District Madhubani
9. The Mukhiya, Gram Panchayat Raj Madhopur, Block- Khutouna, District
Madhubani
10. The Headmaster, Government Primary School, Basniyan Harijan, Block
Khutouna, District Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshamindra Kumar Yadav

For the Respondent/s : Mr. G.P.Ojha, GP 22

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-01-2015

Respondent no.7, Block Education Extension Officer,
Khutouna, obviously does not know what is happening within his
jurisdiction nor he is willing to know even when adequate materials
have been brought on record as annexures to the writ application,
which was duly filed by the petitioner and two copies thereof served
on the State and also communicated. If he had bothered to even
peruse the said application before filing his affidavit, he would not
have ended up annexing Annexure- D as the position taken by him in

the counter affidavit. Obviously, there is huge disconnect on the factual position, reason thereof is not required to be gone into by this Court.

Removal of the petitioner from the post of Panchayat Teacher for not having passed the eligibility test twice over was set aside by this Court in a batch of writ applications decided together. A copy of the order is Annexure- 1 to the writ application. Pursuant thereto, the Panchayat took a decision to restore her back to service by virtue of Annexure- 2, dated 5.10.2012. Petitioner gave her joining, which was duly accepted in terms of Annexure- 3 on 6.10.2012. She has annexed her absentee chart as Annexure- 4 duly certified by the Principal of the school in question, which is for the period February to August 2013. There cannot be any dispute on this period of the petitioner's attendance in the school in question.

In view of the same, a direction is issued upon the respondents to ensure that payment is made to the petitioner for the period February 2013 to August 2013.

There seems to be some dispute for the period September 2013 till the current period.

Let the petitioner file an application with supporting evidence of work having been done by her in the said school, which will be duly verified and certified and appropriate decision will be

taken within a period of 8 weeks thereof.

Writ application stands allowed in terms of the direction issued above.

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(Ajay Kumar Tripathi, J)

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