

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.25 of 1996

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Smt.Veena Sharma, wife of Sri Vinay Kumar Sharma, resident of village-Jitwaria, Police Station- Kalyanpur, District- Samastipur, at present Assistant Teacher, Basic School Tara, Police Station- Kalyanpur, District-Samastipur

.... Petitioner

Versus

1. The State of Bihar
2. K.D.Sinha, Secretary, Secondary, Primary and Adult Education Department, New Secretariat Building, Patna

.... Opp.Parties

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

3 17-03-2016

The grievance in the present petition is non-compliance of the order dated 06.04.1994 passed by a Division Bench of this Court wherein the claim of the petitioner for payment of salary was examined and the Commissioner of Education was directed to take a decision after consideration of the records of the case. It was said that the question of payment of salary to the petitioner of a regular pay scale shall abide by the decision of the Commissioner. However, in the event, it is found that the assertions of the petitioner are not correct, the petitioner may be paid wages for the period she had actually worked and such amount shall be realized from the Officers responsible for allowing her to continue to work despite the fact that she had not been validly appointed.

In terms of such direction, the claim of the petitioner has been considered on 16th of September, 1995 finding that appointment of the petitioner is illegal and that the recovery will be made from the concerned District Education Officer and Regional Deputy Director of Education. Their liability will be limited to the amount paid to the petitioner during their tenure.

In view of the said order, no further order is required to be passed in the present contempt petition.

The contempt petition is, accordingly, dismissed.

(Hemant Gupta, J)

S.Pandey/-

(Ramesh Kumar Datta, J)

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