

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11644 of 2013

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1. Ashutosh Kumar Singh, Son of Sri Rameshwar Prasad, Resident of Village/Mohalla Dharampur, P.S. Chandi, Dist. Nalanda.
 2. Om Prakash Narain @ Sinha, son of late Dhaka Mahto, Resident of Village/Mohalla Korawan, P.S. Hilsa, Dist. Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. Director, Primary Education, Bihar, Patna.
4. District Magistrate, Nalanda.
5. District Education Officer, Nalanda at Bihar Sharif.
6. District Programme Officer, Nalanda at Bihar Sharif.
7. Block Education Extension Officer, District Nalanda.
8. Treasury Officer, Hilsa, Dist. Nalanda.
9. Head Master, Middle School Mai, Hilsa, Nalanda.
10. Head Master, Middle School, Yogipur, Hilsa, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Adv.
Mr. Pramod Kumar, Adv.

For the Respondent/s : Mr. Nutan Kumar Sharma, AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-09-2016

Heard learned counsel for the petitioners and counsel for the State.

In this writ application, a simple grievance has been raised by the petitioners that the petitioner no.1, Ashutosh Kumar Singh and petitioner no.2, Om Prakash Narain @ Sinha were found working in the Government Middle School, Mai Hilsa and Middle School, Yogipur, Hilsa respectively but, they have been asked to receive their salary from Upgraded Middle School, Bhadaul and Upgraded Middle School, Arpa respectively.



A grievance has been raised that when they have been posted in the Government Middle School, Mai Hilsa and Middle School, Yogipur, Hilsa, it is harassment to the petitioners to ask them to receive their salary from the Upgraded Middle School, Bhadaul and Upgraded Middle School, Arpa respectively.

The claim of the petitioner appears to be genuine in view of the fact that in the counter affidavit, it has been stated that the petitioners were promoted to the higher grade and that post is not available in the Government Middle School, Mai Hilsa and Middle School, Yogipur, Hilsa respectively and the petitioners were asked to receive their salary from the vacant post of Upgraded Middle School, Bhadaul and Upgraded Middle School, Arpa respectively which causes harassment to the petitioners.

In such circumstances, the petitioners should be transferred to Upgraded Middle School, Bhadaul and Upgraded Middle School, Arpa respectively where they will discharge their duty and receive salary as well.

In that view of the matter, this Court would direct the District Programme Officer, Nalanda at Biharsharif to examine the case of the petitioners and redress their grievance, either they will take salary from the school where they have been posted or they should be transferred to the school from where they are receiving salary.

For convenience, the petitioners are given direction to file their representation enclosing a copy of this order before the District Programme Officer, Nalanda at Biharsharif who will examine the same and will pass order in accordance with law within a period of four months from the date of filing of the representation.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6.9.2016
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