

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17185 of 2011

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Shyam Lal Yadav S/O Late Agam Lal Yadav Resident of Village/Mohalla
Supaul Ward No. 4, Police Station Via-Supaul, District-Supaul.

.... Petitioner

Versus

1. The State of Bihar through its Secretary, Bihar, Patna.
2. The Director, Primary and Adult Education, Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The District Magistrate, Supaul.
5. The District Education Officer, Supaul.
6. The District Education Superintendent, Supaul.
7. The Block Education Officer, Block Supaul, District-Supaul.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav
For the Respondent/s : AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 27-10-2016 Heard Sri Lakshmindra Kumar Yadav, learned
counsel for the petitioner and learned A.C. to Govt. Pleader – 24.

The petitioner has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India with two prayers. Firstly, a prayer has been made to direct the respondents to pay him salary from January, 1971 to December, 1980 and secondly, he has prayed for directing the respondents to refund Rs. 60,000/- (sixty thousand), which was recovered from the petitioner on the ground that he had incorrectly received 1st time bound promotion.

It is admitted fact that the petitioner superannuated

on 28-02-2010.

Learned counsel for the petitioner, on the basis of service book, accepts that recovery of rupees sixty thousand was effected in the year 2002.

In this case, counter affidavit has been filed on behalf of respondent no. 5 and 6 and a specific stand has been taken that the service of the petitioner was adopted by the respondent no. 2/Director, Primary and Adult Education in the year 1980 itself. The petitioner was earlier working in a private school. Secondly, it has been pleaded in the counter affidavit that by deceitful manner, the petitioner got 1st time bound promotion persuading the authority to calculate the service, which was rendered in the private school and benefit of 1st time bound promotion he obtained on 01-04-1981 itself, whereas, in view of fact that the service of the petitioner was adopted by the Government in the year 1980, thereafter, twelve years service was completed in the year 1992 and only then, he was entitled to get 1st time bound promotion.

In the counter affidavit, a specific stand has been taken that the petitioner deceiving the respondents had got the benefit of 1st time bound promotion. It is a fact that in the year 2002, after noticing such illegality, step was taken to recover the amount from the petitioner i.e. total Rs. 60,000/-. Though,

recovery was effected in the year 2002, that was also not illegal or irregular and after superannuation, the petitioner filed the present writ petition in the year 2011, with a prayer for granting such reliefs, which in the opinion of the court, are totally unsustainable.

I do not find any ground to pass any favourable order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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