

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7568 of 2013

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1. Kamala Kant Jha S/O Late Murlidhar Jha R/O Mohalla- Mithila Colony, Laxmi Sagar, P.S.- L.N.M. University Campus, District- Darbhanga, At Present Posted As Chairman, Maithili Academy, Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Department Of Education, Bihar, Patna
2. The Principal Secretary Education Department, Government Of Bihar, New Secretariat, Patna
3. The Joint Secretary To Government Human Resource Development Department (Now Education Department), Government Of Bihar, Patna
4. The Deputy Secretary To Government Human Resources Development Department (Now Education Department), Government Of Bihar, Patna
5. The Director, Higher Education Department, Government Of Bihar, Patna
6. The Director-Cum-Secretary Maithili Academy, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha,

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-04-2016

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

In the present writ petition, the petitioner is claiming to have been appointed as Chairman of Maithili Academy vide Memo No.2406 dated 4.8.2010 for three years.

It appears that Government of Bihar has issued a resolution wherein it has been provided that for the development and promotion of Maithili language a registered society has been constituted which is known as Maithili Academy, is governed by



its by-laws. According to the notification appointment of Chairman and other members is to be made by the Government. The Government has altogether appointed Chairman and five members for Maithili Academy. Petitioner was appointed as Chairman and after appointment he joined the post of Chairman on 6.8.2010(Annexure-4) for three years. Government issued a notification dated 10.10.2011 thereby decided to pay honorarium at the rate of Rs.15,000/- per month from the date of issuance of the said order.

Limited grievance has been raised that when he was appointed prior to the issuance of letter i.e. from 10.10.2011 he cannot be deprived from the salary from 6.8.2010 to 9.10.2011. He should be paid salary for the aforesaid period, though he has been paid salary on and after 10.10.2011.

Learned counsel for the State has taken a stand that petitioner is not a Government employee but Government gives grants to the Maithili Academy and Government is not responsible for making payment.

From the record it shows that it is the Government has appointed the petitioner as Chairman of the Maithili Academy and as per the notification, the Government has been paying salary/honorarium to petitioner and other, then the Government

must ensure the payment of salary from the date petitioner has been appointed.

In such view of the matter, petitioner is entitled to get honorarium from the date of his joining to the post of Chairman i.e. 6.8.2010. Let the Government should pay the difference of honorarium.

For convenience, the petitioner is directed to file an application before the Deputy Secretary, Education Department, Government of Bihar. If such an application is filed, he is obliged to ensure the payment to the petitioner within a period of three months from the date of filing of the application.

Accordingly this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	