

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9271 of 2013

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Sagoofa Sahin, W/O Md. Ghyasuddin and D/o Md. Allauddin, R/o Mohalla-Sahganj, P.S.- Biharsharif Sadar, District- Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary Department Of Human Resources, Bihar, Patna
3. The Director, Primary Education, New Secretariat, Bihar, Patna
4. The District Programme Officer (Establishment) Nalanda At Biharsharif
5. The Block Development Officer, Parwalpur, Nalanda
6. The Area Education Officer, Hilsa, Nalanda
7. The Block Education Extension Officer, Parwalpur, Nalanda At Biharsharif
8. The Headmaster, Up-Graded Middle School, Sinawan, Parwalpur, Nalanda at Biharsharif.

.... Respondents

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Appearance:

For the Petitioner : Mr. Sanjay Kumar, adv.

For the Respondent/s : Mr. Lalan Kumar, A.C. to G.P.-23

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-06-2016

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

2. In the present case, the petitioner has sought relief for payment of salary.

3. During the pendency of the writ application, the petitioner has been paid the entire salary, but his services have been terminated on the ground of the order passed in Complaint Case No.131 of 2011 filed by one Sajid Faizal.



4. Learned counsel for the State has drawn the attention of this Court to the order dated 30.4.2012 passed by this Court in C.W.J.C No.8325 of 2012 (Annexure-C to the counter affidavit filed by the State) and submitted that Md. Haroon Rashid, the petitioner of that case, approached this Court for payment of salary and this Court disposed of the said writ application with the direction to the District Education Officer, Nalanda, Bihar Sharif to ascertain as to whether certificates of the petitioner have been verified or not and if he finds that certificates have been verified and are found to be valid and genuine, he was directed to see that arrears of salary are paid to him preferably within two months from the date of receipt/production of a copy of the order.

5. In pursuance thereof, the District Education Officer, Nalanda, Bihar Sharif conducted the inquiry and found that the claim of Haroon Rashid is bona fide and he should be accommodated. In pursuance thereof, the order dated 11.12.2013, Annexure-6 to the writ application, has been passed, whereby the service of the petitioner has been terminated, which is the prime consideration, as has been challenged by the present petitioner by filing Interlocutory Application.

6. Having considered the rival contentions of the parties, as the petitioner has been terminated from service by the aforesaid impugned order; he must first approach the Appellate Tribunal. Therefore, the present petitioner is directed to approach the Appellate Tribunal for redressal of his grievance, bringing all the materials on record. If such an application is filed, the Appellate Tribunal is directed to decide the same in accordance with law, after giving notice and hearing all the parties within a period of six months from the date of filing of such application.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13/7/2016
Transmission Date	