

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7089 of 2014

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1. Preeti Kumari W/o Ashok Kumar Gupta, D/o Raghunath Gupta Resident of Sahktinagar, Near I.T.I. Cotton Factory Road, Bhagwatipur, Amghotta, P.S-Mehtol, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. o Bihar, Patna.
3. The Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The Commissioner.
6. The District Magistrate, Sitamarhi.
7. The District Education officer, Sitamarhi.
8. The District Programme officer, Sitamarhi.
9. The Block Development officer, Parihar -Cum- Chairman Block Teacher Selection Unit, Parihar, Sitamarhi.
10. The Block Education Extension officer, Parihar, Sitamarhi.
11. The Secretary, Block Education Establishment Committee, Parihar, Sitamarhi.
12. The Headmaster, Middle School, Ghaghra, Parihar, District Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Respondent/s : Mr. Md. N. Hoda Khan, SC 18

Mr Md. Harun Quareshi, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-03-2016

Petitioner has filed the writ application that she was a validly appointed Block Teacher and for illegal reasons she was prevented from working between 25.1.2008 to 31.5.2011. She wants a direction upon the respondents to pay her salary for the period in question.

The writ application is based on wrong premises of law.

First, petitioner is not a permanent Teacher under the State but was engaged on contract as a Block Teacher for which they get fixed remuneration and not salary. Secondly, if the contract was terminated for some illegal reasons, the remedy in law would be under common law and compensation could be the answer for such illegal removal, if the petitioner can establish the said factum. The principles which apply to a permanent employee and holder of a substantive post do not apply to such appointees. No such relief can be granted.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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