

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7652 of 2014

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1. Bharat Shah son of SRi Shan Lal resident of village - Mahuawa, P.S. Kadaiyan, District - Gopalganj

2. Baliram Prasad Son of Sri Dina Nath Prasad resident of Village - Ekdarwa, P.S. Uchkagaon, District - Gopalganj

3. Kanhaiya Prasad son of Late Narayan Sah resident of village - Sripur, P.S. Kalyanpur, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Human Resources Department, Govt. of Bihar, Patna

2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna

3. The Director, Primary Education, Bihar, Patna

4. The District Education Officer, Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Respondent/s : Mrs. AC to SC 1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-09-2016

Petitioner is seeking parity in the light of an observation given by the Division Bench contained in Annexure- 6, which is dated 26.3.2011. Initially, an impression was sought to be created on behalf of the petitioners that the respondent State authorities are taking two different kinds of stand on identical issue and deliberately discriminating against these petitioners with regard to payment of salary for the period they were removed. That position does not seem to be correct if the history of the present litigation is gone into and if the Court takes notice of the fact that these petitioners had already approached the High Court earlier, the matter was adjudicated and a decision was rendered by a learned Single Judge which has come to

rest at that. Since the order contained in Annexure- 4 dated 30.7.2010 still stands and there is a categorical finding of the learned Single judge as under :

“Let a writ of mandamus be issued to District Superintendent of Education, Gopalganj to immediately reinstate the petitioners as Assistant Primary Teachers in government primary school. The petitioners would be entitled to continuity of service for the purposes of their seniority and pensionary benefits but would not been entitled to payment of any salary for the period in which they were not in employment. The order of this Court must be complied with within one month. The responsibility whereof of the District Magistrate- cum- Collector, Gopalganj.”

If the matter of these petitioners was adjudicated in specific term as quoted above and there was a judicial order refusing payment of salary for the period they were not in employment, the parity which these petitioners are looking for flowing from Division Bench is a misplaced kind of expectation to have.

The writ application is dismissed.

(Ajay Kumar Tripathi, J)

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CAV DATE	
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