

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No 1629 of 2007

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1 Binod Kumar Pandey
2 Mithiles Kr Pandey
3 Bimlesh Kr Pandey
4 Narendra Kr Pandey
5 Uday Kumar, sons of late Uma Shankar Pandey
6 Seema Kumari, unmarried daughter of late Uma Shankar Pandey.

.... Petitioner/s

Versus

1 The State of Bihar
2 Special Director, Secondary Education, State of Bihar, Vikash Bhawan, New
Secretariat Sri Dhireswar Paswan
3 Chairman, Bihar Sanskrit Shiksha Board, at Rajapur Pool, Boring Road, Patna
4 District Magistrate, Bhojpur at Ara
5 Surendra Mishra, son of late Jagarnath Mishra, Village – Ashopur, PS –
Danapur, District – Patna
6 Sri K V N Singh
7 Dharmendra Singh Gangwar

.... Respondent/s

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For the Petitioner/s : Mr S R C Pandey, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 21-09-2016

Letters Patent Appeal No 1505 of 1995, as filed by the original writ petitioner for treating him to be a Teacher duly appointed on permanent basis with consequential relief of payment of arrears of salary, was allowed on 08.01.2007 by a Division Bench of this Court. The arrears of salary were for the period prior to the Ordinance by which private schools were taken over and, thereafter, till his retirement. This Court, upon adjudication, held Uma Shankar Pandey

to be duly appointed. This Court, accordingly, directed payment of entire salary.

2 When this was not complied with, the present contempt application was filed. Upon the contempt application being filed, State preferred appeal to the Apex Court where contempt proceedings were stayed but ultimately the Apex Court dismissed the appeal of the State in limine.

3 The tragedy is that waiting for payment of salary, which was due in the year 1988, the original petitioner died. Now, after more than two and half decades, two cheques are being issued in the name of the son of the original writ petitioner, namely, Binod Kumar Pandey, both Cheques being dated 08.07.2016 for an amount of Rs 8,43,572/- and Rs 3,529/- respectively. As is usual, there are no accounts to support the same and the State's attitude is take it or leave it. That is most arbitrary. The cheques are handed over to the learned counsel for the petitioner.

4 In view of the inordinate delay of over two and half decades in making the payment, we direct the State to pay interest for the delayed payment and delayed compliance of orders of this Court at the rate of 6% on the amounts aforesaid from the date they were due till 08.07.2016. This payment must be made within one month from today, the responsibility of which would be on the District

Education Officer, Bhojpur at Ara. The District Education Officer, Bhojpur at Ara would also ensure that within this period of one month, detailed calculations in support of the cheques aforesaid would be furnished to the son of the original petitioner that is Binod Kumar Pandey and failure to comply with the order of this Court, this Court would take a very serious view of the matter.

5 With these observations, this application stands disposed of.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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