

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25400 of 2013

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1. Savitri Devi W/O Sri Chandrabhan Singh Resident Of Village- Ramgarh, P.O.-
Khalwan, Block- Nautan, P.S.- Nautan, District- Siwan

.... Petitioner/s

Versus

1. The State Of Bihar Represented Through The Principal Secretary Department Of
Human Resources Development, Government Of Bihar, Patna
2. The Director, Department Of Primary Education, Government Of Bihar, Patna
3. The District Magistrate, Siwan
4. The District Programme Officer (Establishment), Siwan
5. The District Education Officer, Siwan
6. The Mukhiya Gram Panchayat Narkatian, Block- Nautan, District- Siwan
7. The Panchayat Secretary, Gram Panchayat Narkatian, Block- Nautan, District-
Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar,
Mr. Pankaj Kumar, Advocate.

For the Respondent/s : Mr. Jahan Ara, AC to AG V

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-04-2016

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

In the present writ petition, petitioner is seeking relief for
payment of salary for the period she has discharged the duty.

It appears from the record that petitioner was appointed as
General Teacher in Panchayat Raj Narkatia in Nautan Block and
after proper counseling she was allotted School. When the salary
was not paid she approached to the Appellate Tribunal and
Appellate Tribunal, has directed for payment of salary. When it
was not complied with the petitioner has approached this Court.

In the counter affidavit a plea has been taken that petitioner has wrongly been appointed as she is holding the qualification of Shastri which is a degree for the appointment of teacher in Sanskrit language and as such she can only be accommodated on the post of Sanskrit teacher. It has been submitted that during pendency of this application she has been terminated from service.

Be that as it may, so long the petitioner has discharged the duty she is entitled to the salary so much so Appellate Tribunal has issued direction for payment which has not been complied.

In such view of the matter, petitioner is directed to file a detailed representation before the District Programme Officer (Establishment), Siwan who will examine the case of the petitioner and verify from the record of the School about the period she has discharged the duty as teacher and after proper verification he will pass a reasoned order in accordance with law.

It goes without saying that if the petitioner has been terminated from service, she will be at liberty to challenge the same before appropriate authority.

With the aforesaid observation this writ petition is disposed of.

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(Shivaji Pandey, J)