

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24457 of 2013

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1. Shashi Bhushan Singh Son Of Late Lakhan Singh Resident Of Village- Barsa,
P.S.- Kasar, District- Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Education, Bihar, Patna
3. The Director, Secondary Education, Department Of Education, Bihar, Patna
4. The District Magistrate, Lakhisarai
5. The District Education Officer, Lakhisarai-Cum-The Principal Of Government High School, Lakhisarai, District- Lakhisarai
6. Ram Naresh Pd. Singh, The Then Principal Of Hasanpur High School, Lakhisarai, Son Of Late Karyanand Singh Resident Of Village- Mahisona, Police Station- Lakhisarai, District- Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate.
Mr. Indu Bhushan, Advocate.
For the State : Mr. Ajay Kumar, AC to AAG 8
For Respondent no.6 : Mr. Anil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-02-2016

Heard the parties.

In the present writ petition, petitioner is claiming his salary from January, 2003 to 16.8.2010 as during that period though worked but not allowed to put his signature in the attendance register.

It is one of the peculiar case in which ex-headmaster has suo-motu appeared and filed counter affidavit today making statement that petitioner has continuously done his job in Hasanpur High School, Lakhisarai and on the order of one Sobha

Kant Jha he made separate attendance register for him to mark his attendance, accordingly, the petitioner marked his attendance during that period.

When this Court has asked the counsel whether a notice was served upon him for his appearance whereupon he has replied that he received instruction from the School about the present case and present headmaster has informed, if he does not appear before the Court his pension would be stopped. When this Court has asked question as to whether any letter was received by him in this regard he was unable to give any reply. The manner the ex-headmaster has come before this Court in support the case of the petitioner itself creates a lot of suspicion and completely cast doubt on the claim of the petitioner. In view of the letter dated 18.6.2014 (Annexure-B) where the present headmaster of the School has specifically stated that the present petitioner has not marked attendance from January, 2003 to 16.8.2010 and another letter of another headmaster dated 26.6.2014 where it has been mentioned that whatever the petitioner is entitled has been paid to him. Letter dated 26.6.2014 of the District Education Officer addressed to the District Programme Officer (Establishment) has finally mentioned that present petitioner during the aforesaid period had not worked in

the school nor he has marked attendance and he is not entitled to any relief. The claim of ex-headmaster is also belied from the prayer that he was not allowed to mark attendance on the attendance register. The submission of ex-headmaster itself speaks volume about the method adopted by the petitioner.

This Court is not inclined to grant any relief to the petitioner. Accordingly the claim made by the petitioner for payment of salary from January 2003 to 16.8.2010 is here by rejected.

Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

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