

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3118 of 2000

=====

Indu Kumari, w/o Sri Ram Binod Thakur, Assistant Teacher Kasturba
Kanya Uchha Vidyalaya, Madhawpur, p.s. – Madhawpur, Distt- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Binod Agrawal, the Commissioner, Secondary Education, New Secretariat, Patna
3. The Additional Secretary, Human Resources, Development Department, Govt. of Bihar, Patna
4. Mr. Sunil Kumar, The Director, Secondary Education, New Secretariat, Bailey Road, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Niranjan Kumar, Adv.
Mr. Rajeev Kumar Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

10 05-04-2016 Heard learned counsel for the petitioner as well as

learned A.C. to S.C. – 1.

By having appointment of petitioner duly acknowledged,
the spirit of order dated 05.04.1999 (annexure – 1) is found duly
complied with. It has been taken up under an order dated
03.01.2006 passed by the Hon'ble Apex Court under Civil Appeal
No. 6626/6675/2001.

Annexure-A is the letter by which appointment of
petitioner has been acknowledged while annexure – B is an order
by which; the service of petitioner has been acknowledged from

the date of 25.01.2000.

The order happens to be dated 03.08.2012. From the aforesaid office order it is evident that arrear was to be paid in five equal annual installments.

Learned counsel for the petitioner submits that up till now petitioner has not been able to get even first installment in lieu of arrear. That being so, instant M.J.C. should be allowed to remain.

At the other end, the learned A.C. to S.C. - 1 has submitted that aforesaid event happens to be under independent recognition as, in case of non-payment will have a different cause which, for the present in terms of annexure – 1 as well as the order passed by the Hon’ble Apex Court annexure – C did not attract.

After going through the respective orders certainly non-payment, if so survives will have independent identity than whatever been directed under annexure – 1 and for that petitioner will be at liberty to take proper recourse in accordance with law.

So far instant petition is concerned, same is dropped.

(Aditya Kumar Trivedi, J.)

Vinita/-

U			
---	--	--	--