

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23347 of 2013

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Krishna Kumari, wife of Sri Lal Babu Tiwary, Resident Of Village Dhanupur, P.O. Dhangarh, P.S. Baniyapur, District Saran (Chapra).

.... Petitioner

Versus

1. The State of Bihar.
2. The Director, Secondary Education, Govt. Of Bihar, Budh Marg, Patna.
3. The Regional Deputy Director of Education, Saran Division, Chapra.
4. The District Education Officer, Siwan.
5. The Headmaster, Project Girls High School, Guthani, P.O. & P.S. Guthani, District Siwan.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Bipin Bihari Singh, Adv.

For the Respondent/s: Mr. Rishi Raj Sinha, S.C.-19

Mr. Akhilesh Kumar Sinha, A.C. to S.C.-19

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-11-2016

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

2. In this case, the petitioner is seeking payment of salary from 01.06.1996 to 27.06.1996 and from 01.01.1997 to 31.12.1999 as has been held that she has remained absent for the aforesaid period, so he is not entitled to salary. Further prayer has been made to adjust the aforesaid period of absence against her available leave.

3. The petitioner submits that she was working in the Girls



High School, Guthani, but later on, it was converted to the Project Girls High School. There was a dispute between the petitioner and one Sushila Tiwari, ultimately, the matter was settled and the services of the petitioner was regularized with effect from 1.1.1989, but it has been recorded that she has remained absent from duty for the period as aforesaid.

4. Learned counsel for the petitioner submits that on account of rivalry with the teachers in the school, the Principal has created a separate attendance register where the petitioner was marking her attendance, which will be apparently clear from the letter of the Headmistress dated 17.5.2000, where she has recorded a statement there was an internal conflict among the teachers, hence, the petitioner was marking her attendance in a separate attendance register. But the report of the D.C.L.R. shows that when he went for inspection, he called the attendance register from the headmistress who has produced the same, which did not consist the name of the present petitioner, explanation was given that separate attendance register was maintained for the petitioner, was taken by the present petitioner, however, photo copy of the same was brought, which was not accepted. The Director, Secondary Education, has asked the District Education Officer, to give his report about the attendance of

the teachers of the Project Schools.

5. Learned counsel for the petitioner has produced a report dated 13.03.2012 of the District Programme Officer, but the purported report submitted by the District Programme Officer does not give any elaborate reason and has not gone into the matter with regard to issue involved in the present case. In the report, the District Programme Officer, attached different report submitted by the Headmistress, that cannot said to be his personal report. The District Programme officer was required to look into the matter and was to record his own independent finding, which is missing in the report.

6. In such view of the matter, this court directs the Director, Secondary Education, Government of Bihar, Patna to examine the case of the petitioner with regard to the period of leave as indicated above and give his own finding. If he finds that the petitioner has discharged the duty during the aforesaid period, it goes without saying that she will be entitled to all consequential benefits.

7. For convenience, the petitioner will file a detailed application before the Director, Secondary Education, Government of Bihar, Patna, who will call relevant records and after examining

the same give clear cut finding about the attendance of the petitioner in the school and take decision in accordance with law. The Director, Secondary Education, shall complete the entire process within a period of four months from the date of filing of such application by the petitioner.

8. With the aforesaid observations and directions, this writ application is disposed of. It is clarified that this Court is not giving any opinion on the merit of the case.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R
CAV DATE	N/A.
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