

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8272 of 2013

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1. Subhash Kumar Yadav Son Of Sri Naayan Yadav Resident Of Village - Litiyahi, Police Station - Pipra, District - Supaul, At Present Posted As Lecturer, Department Of Maithili, Dr. N.U.Y., Inter College, Fulkaha, District - Madhepura
 2. Bhubneshwari Prasad Yadav Son Of Dukhichand Yadav Resident Of Village - Koshalpatti, Police Station - Gamharia, District Saharsa, At Present Posted As Lecturer, Department Of Economics, Dr. N.U.Y., Inter College, Fulkaha, District - Madhepura

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government Of Bihar, New Secretariat, Baily Road, Patna
3. The Director Secondary Education, Government Of Bihar, Budh Marg, Patna
4. The Chairman, Bihar School Examination Board, Patna
5. The Secretary Bihar School Examination Board, Patna
6. The Regional Deputy Director Of Education, Koshi Division, Saharsa
7. The District Magistrate, Madhepura
8. The District Education Officer, Madhepura
9. The Sub - Divisional Officer, Madhepura
10. Dr. Narayani Yadav, Chairman, Managing Committee, Dr. N.U.Y. Inter College, Madhepura Wife Of Upendra Narayan Yadav Village - Fulkaha, Police Station - Gahamaria, District - Madhepura
11. Dr. Upendra Narayan Yadav, Secretary, Managing Committee, Dr. N.U.Y. Inter College, Madhepura Son Of Thuttar Yadav Village - Fulkaha, Police Station - Gahamaria, District - Madhepura
12. Hare Ram Sah, Acting Principal, Dr. N.U.Y. Inter College, Madhepura Son Of Chharkan Sah Village - Chikni, Fulkaha, Police Station - Gahamaria, District - Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Kumar, Adv.
For the State : Mr. Kundan Bahadur Singh, SC-22
For the BSEB : Mrs. Binita Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-06-2016

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

In this case, the petitioners are seeking for direction to the respondents for payment of salary for the period of 2006-08 and 2007-09 respectively.

The college, in question is a private college and receives grant from the State Government in terms of policy decision since 2008. As per claim of the petitioners, the petitioner no.1 was appointed on 21.6.1990 in the Maithili Department and was discharging the duty to the satisfaction of all whereas petitioner no.2 was appointed on 22.8.1987 in the Economics Department. The Regional Deputy Director of Education, Koshi Division, Saharsa inspected the college, in question, and found that these two petitioners were discharging their duty which is absolutely clear from the inspection report. On 30.6.2009, the Secretary of the Managing Committee and the Acting Principal submitted list of teaching and non-teaching employees, petitioners and other genuine persons were illegally excluded from the list. In view of the policy decision of the Government, the Government of Bihar started allotting grant since 2008 for distribution on pro-rata basis to the teaching and non-teaching employees of the college including Dr. N.U.Y. Inter College, Madhepura but, the benefit of the same has been given to some other ineligible persons leaving aside these genuine petitioners. The petitioners have raised the grievance that they should have been given



the benefit of grant which has been received by the college from the State Government but, with an ulterior motive, their names were not sent by the Secretary of the Managing Committee as well as by the Acting Principal of the College. It has also been submitted by the learned counsel for the petitioners that the Chairman and the Secretary of the Managing Committee of the college are wife and husband and they have ultimate control over the affairs of the college and they have distributed the grant in a very illegal manner and illegally deprived them of rightful claim. The college in question is a privately managed college. The fact is that grants are given by the State Government, it must go to the right person whosoever has been appointed legally in the college not to the ineligible persons.

To expedite the matter, it should be in the end of justice that the matter is referred to the Principal Secretary, Education Department, Government of Bihar who will examine the case of petitioner and will take a positive decision within a period of six months from the date of receipt/production of a copy of this order. For convenience, the petitioners is directed to file detailed representation before the Principal Secretary, Education Department with all details including documentary evidence. The period of six months will start from the date of filing of the representation by the petitioners.

With the aforementioned observation and direction, this

application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.6.2016
Transmission Date	NA