

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5607 of 2013

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1. Kameshwar Choudhary Son Of Late Murli Choudhary Resident Of Village
Maira Barith, P.S. Katrisarai District Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Nalanda
3. The District Education Officer, Nalanda
4. The District Programme Officer Cum-District Programme Coordinator, Nalanda
5. The District Programme Officer, Sharva Shiksha Abhiyan, District Education Project, Nalanda
6. The Block Education Officer Cum-Block Resources Center Co-Ordinator ,
Katrisharai District Nalanda
7. The Headmaster, Primary School, Barnadi P.S. Katrisarai, District Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
For the Respondent/s : Mr. Madhuresh Pd. (G.P.12)
: Mr. Shyameshwar Kumar Singh, A.C. to G.P.-12
For the Respondent No.5: Mr. Girijish Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 11-03-2016

1. Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the District Education Project,
Nalanda.

2. In the present case, the petitioner is seeking relief for
payment of salary for the period he had discharged his duties as Tola
Sevak.

3. As per the claim of the petitioner he had worked for 16

months as a Tola Sevak for imparting education to Mahadalit children and he was also given the cash amount of Rs.16, 000/-. When he approached the Headmaster for further payment, he was terminated from the service.

4. Earlier, the present petitioner has approached this Court in C.W.J.C. No. 13697 of 2012. The said writ petition was disposed of with a direction to decide the representation of the petitioner and if it is found that he had discharged the duty, further payment be made to him.

5. In terms of the direction of this Court, the Bihar Education Project, Nalanda, has issued the order dated 28.09.2012, where it has specifically stated that the petitioner had not worked as Tola Sevak and as such the question of paying honorarium to the petitioner does not arise.

6. Learned counsel for the Bihar Education Project, Nalanda, submits that the son of the petitioner has been engaged for the work of teaching and whatever amount he is entitled has been paid to him. He further submits that the authority has examined the record and did not find any material which suggests that the petitioner had ever worked with Bihar Education Project, Nalanda.

7. As it appears that it is a disputed question of fact, whether the petitioner had worked with the Bihar Education Project, Nalanda, or not, cannot be decided in this proceeding and this Court cannot arrive to a positive finding.

8. In such view of the matter, the petitioner, if so advised, may approach the Civil Court for the proper adjudication of the case.

9. With the aforesaid observations and directions, this petition is disposed of.

(Shivaji Pandey, J)

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