

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.934 of 2014

IN
Civil Writ Jurisdiction Case No. 12625 of 2013

- =====
1. The State of Bihar.
 2. The Principal Secretary, Education Department, Bihar, Patna.
 3. The Regional Deputy Director, Munger Division, District Munger.
 4. The Regional Education Office, Lakhisarai, District Lakhisarai.
 5. The District Magistrate, Lakhisarai, District Lakhisarai.
 6. The District Education Officer, Lakhisarai, District Lakhisarai.
 7. The District Program Officer (Establishment), Lakhisarai, District Lakhisarai.
 8. The District Program Officer (Establishment), Sheikhpura, District Sheikhpura.
 9. The In-charge Officer, Mid Day Meal, Lakhisarai, District Lakhisarai.

.... Appellants

Versus

Most. Sanjula Devi, wife of Late Deo nandan Prasad Singh, resident of village and P.O. – Sirari, P.S. & District – Sheikhpura, presently residing at D/o- Kapildeo Singh, Village – Pratappur, P.O. – Dumari, P.S. – Barahaiya, District – Lakhisarai.

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. Sudhir Kumar, AC to AAG - II

For the Respondent/s : Mr. Arun Kumar, Advocate

Mr. Ram Vinay Pd. Singh @ Sanjay, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 20-01-2016

Heard learned counsel for the State and learned
counsel for the contesting respondent.



The entire family of the writ petitioner, who is the contesting respondent in this appeal, had been brutally killed. State considering its welfare nature agreed to grant her compassionate appointment. She was engaged as Class – IV staff (Peon) in the Area Education Office, Lakhisarai. Later, after four years, she was terminated on the ground that the educational certificate granted of having attended school up to Class VIII was found not to be genuine. The writ petitioner did not choose to challenge this in the present proceeding, but filed the writ petition that as for a period of four years she had discharged her duties as a Peon in the office of the respondents to the writ petition i.e. the State and its officers had duly taken work, she should be compensated for the same. The learned Single Judge, in our view, took the correct view of the matter that no service is gratuitous. Having taken work, State cannot turn around and say that though they had taken work, they will not pay. That would be clearly unjust enrichment for the work done. The writ petitioner/respondent is entitled to a just compensation. The just compensation would be the salary normally paid for the work done. The learned Single Judge rightfully issued writ in that regards. We see no reason to interfere in the matter.

This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/Rajesh

U			
---	--	--	--