

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22786 of 2013

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1. Rohit Kumar Jha Son Of Sri Shobha Kant Jha Resident Of Village
Sunaul, Post Office Sunaul, Police Station Purnahiya, District Sheohar

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Human Resource
Development Department, Govt. Of Bihar, Patna
2. The Director, Secondary Education, Bihar, Patna
3. The District Magistrate, Sheohar
4. The District Education Officer, Sheohar
5. The District Programme Officer, Establishment, Sheohar
6. The Block Education Officer, Block Purnahiya, District Sheohar
7. The Headmaster, High School, Sunaul Sultan, Block Purnahiya, District
Sheohar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the State : Mr. Alok Kumar Rahi, AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 05-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In the present writ petition, petitioner is seeking relief
for payment of current salary as well as arrears of salary with
effect from 1.11.2011 to till date as he has been discharging
his duties as a night guard in Government High School,
Sonaul Sultan, district Sheohar. Petitioner has claimed that he
was appointed by the Headmaster of the School on the
remuneration of Rs.1500/- per month and was discharging his
duties since his date of appointment. He has been paid salary

up-to 2011 but thereafter he has not been paid his salary. He is moving here and there for redressal of his grievance.

In the counter affidavit filed by the Headmaster (respondent no.7) where he has taken a plea that he has not been discharging the duty in the said school which is evident from the attendance register,

Learned counsel for the petitioner submits that petitioner was not appointed by the Government but he was appointed by the Management and he was asked to mark the attendance on separate register which is clear from the attendance register which has been marked as Annexure 6 to the writ petition.

This is disputed question of fact which cannot be looked into by this Court. Hence petitioner is directed to file a detailed representation before the District Programme Officer Establishment, Sheohar who will examine the case and call for the register. If he arrives to a conclusion that petitioner is working in the school it goes without saying that he will pass the order in accordance with law. The District Programme Officer is directed to conclude its enquiry within a period of three months from the date of filing of the representation.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

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