

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3767 of 2013

IN

Civil Writ Jurisdiction Case No. 17785 of 2011

MEENA GUPTA wife of Dr. Madan Prasad resident of Ram Krishna Nagar,
Police Station Ram Krishanagar, District- Patna Petitioner

Versus

1. The State of Bihar through Ashok Kumar Sinha Son of not known the Chief Secretary, Bihar, Patna.
2. Amarjeet Sinha Son of not known Principal Secretary, Secondary Education, Bihar, Patna.
3. R.B. Chaudhary Son of not known to the Petitioner Director, Secondary Education, Bihar, Patna.
4. Sushil Kumar Srivastava Son of not known to the Petitioner Regional Deputy Director of Education, Patna Division, Patna.
5. Arun Sharma Son of not known to the Petitioner District Education Officer, Patna.
6. Keshav Prasad Son of not known to the Petitioner District Programme Officer, Patna
7. Kumari Maya wife of Sri Devendra Prasad Principal Narayani Girls High School Patna City, District- Patna Respondents

Appearance :

For the Petitioner : Mr. NANDLAL KUMAR SINGH, Advocate

For opp. party no.1 to 6 : Mr. Shiv Kumar, Advocate and

For opp.party no. 7 : Mr. B.S.Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 22-06-2016

The petitioner was an Assistant Teacher in Narayani Girls High School, Patna City. In the year, 2003, a general communiqué was issued by which mass transfers of Assistant Teachers of High Schools were made. The said order came to be stayed by this Court. It appears that a separate transfer order was issued on 10.09.2004 transferring the petitioner to Vyapar Mandal Girls High School, Fatuha, Patna.

It is the case of the petitioner that Headmistress of the Vayapar



Mandal Girls High School, Fatuha, also made endorsement on the representation to take appropriate steps for cancelling transfer order. On the detailed consideration of the matter the writ application, bearing C.W.J.C.No. 17785 of 2011 was disposed of vide order dated 04.04.2013 with following directions:-

“In this view of the matter, so far as non-payment of salary for the period September, 2004 to 04.05.2006 is concerned, the petitioner may approach the Director, Secondary Education, Bihar, Patna as she could not be blamed for not performing the work at the transferred place, if the joining itself is not accepted by the Headmistress. In case a representation to the aforesaid effect is filed before the Director, Secondary Education, Bihar, Patna, he would dispose of the same within a period of three months from the date of receipt of a copy of this order without being influenced by the impugned order dated 22.07.2010 (Annexure-1/A) passed by the Principal Secretary, Human Resources Department. The authority would make payment for the period 05.05.2006 to 01.11.2006 and from 01.01.2011 to 14.01.2011 forthwith.”

The petitioner submits that in view of the order of this Court, the opposite parties should have made payment for the period September, 2004 to 04.05.2006 as this Court has observed that she could not be held liable for not performing the work at the transferred place, as joining itself was not accepted by the Headmistress. The aforesaid matter was disposed of with a direction to the Director, Secondary Education to consider the representation within three

months. Learned counsel has raised a grievance that in view of observation of this Court, the Director, Secondary Education could not have rejected her representation for payment of salary for September, 2004 to 2006.

In my view, as the representation has been disposed of, the petitioner is at liberty to challenge the impugned order in writ jurisdiction.

The contempt application is thus dismissed.

(Samarendra Pratap Singh, J)

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