

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4672 of 2013

In

Civil Writ Jurisdiction Case No. 17316 of 2012

=====

Rinki Kumari, daughter of Sri Rajendra Jha, resident of village - Devpura,
Police Station - Benepatti, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Sri Amarjeet Sinha, son of not known to the petitioner, presently posted as the Principal Secretary, Department of Human Resource, Government of Bihar, Patna.
2. Sri Amarjeet Sinha, son of not known to the petitioner, presently posted as the Principal Secretary, Department of Human Resource, Government of Bihar, Patna.
3. Sri Binod Kumar Vimal, son of not known to the petitioner, the District Program Officer, Madhubani.
4. Sri Rajendra Kumar, son of not known to the petitioner, the Block Education Officer, Benepatti, Madhubani.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate
Mr. Ashok Kumar Karna, Advocate
For the Respondent/s : Md. Khurshid Alam, AAG-12
Mr. Nutan Sahay, AC to AAG-12

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 14-09-2016 Heard counsel for the petitioner as well as learned
counsel appearing for the State.

The petitioner was initially appointed as Panchayat Shiksha Mitra in the Primary School, Devpura, Gram Panchayat, Mahmadpur, District Madhubani. It is her case that subsequently, she was observed as Panchayat Teacher. She made a limited

prayer before this Court for payment for the period she worked. The writ application was disposed of on 08.01.2013 with a direction that if she files a fresh representation before the appropriate authority, her claim would be examined and she would be paid her admitted dues.

A show-cause has been filed stating that the employment of the petitioner was subsequently withdrawn/ revoked, as she did not have the requisite qualification. The withdrawal or revocation of the claim of the petitioner, could give a different cause of action but if the petitioner has admittedly worked for a certain period, she would be entitled to the payment.

Learned counsel for the petitioner in support of his submission that the petitioner has worked, has referred to memo, dated 12.04.2009 (Annexure-R/1 series) and 26.02.2010 (Annexure-R/3). Letter, dated 12.04.2009 is to the effect that the petitioner was deputed for certain works during the Parliamentary Election and letter, dated 26.02.2010 also shows that the petitioner was also deputed for vigilance work. However, it appears that all these aspects were not brought before the authorities.

In view of above, this Court reiterates that the Authority would pass a fresh order taking into consideration the documents referred in this order with respect to payment of the claims of the

petitioner for the period, she worked.

The contempt application is disposed of.

(Samarendra Pratap Singh, J.)

kunal/-

U			
---	--	--	--