

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7043 of 2017

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Khurshid Ahmad, son of Late Ali Ahmad, resident of Village-
Moulanchak, Post Office- Fatehpur Bala, Via- Tajpur, Police Station-
Musrigharari, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Director Primary Education, Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The District Programme Officer (Establishment), Samastipur.
4. The Block Education Extension Officer, Morwa Block, District- Samastipur.
5. The Headmaster, Upgraded Middle School, Mahmoodpur Urdu, Anchal Morwa, Post Office and Police Station- Halai, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Md. Asif Kalim, Advocate
Md. Wasi Akhtar, Advocate
For the Respondent/s : Mr. Narendra Kumar -Gp20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 22-12-2017 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ
application is non-payment of salary from February, 2009 to
18.04.2010.

Counsel appearing on behalf of the respondents
submits that the petitioner has not worked during the aforesaid
period and as such no relief can be granted to the petitioner for
payment of salary between February,2009 to 18.04.2010 as the



petitioner has deliberately not worked.

In view of the aforesaid, no positive direction can be issued. However, liberty shall be available to the petitioner to represent before the respondent, District Programme Officer, Samastipur who shall look into the grievance of the petitioner for payment of salary and if it is found that the petitioner was not allowed to work for the period as mentioned above, the respondent will consider the case of the petitioner and ensure payment of the salary for the period as respondent cannot take advantage of their lapse in not posting the petitioner and taking the work.

Counsel for the petitioner submits that Annexure-9 and 10 are the indicative of the fact that petitioner was not allowed to work by the respondents and as such the respondents cannot take advantage as indicated hereinabove.

It is made clear that this court has not expressed any opinion on the merit of the case. It is for the respondent, District Programme officer to examine the record and pass appropriate order within a period of three months.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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