

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9672 of 2016

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Sandeep Kumar, Son of Sri Motilal Mandal, resident of village- Naukadih, P. O.- Garsanda, P.S.+ Block-Jamui, District-jamui; presently, working as Prakhhand Teacher, Middle School, Garsanda, Block+ District-Jamui.

.... Petitioner

Versus

1. The State of Bihar Through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The District Education Officer, Jamui
3. The District Programme Officer(Establishment), Jamui.
4. The Block Education officer, Jamui.
5. The Incharge Headmaster, Middle School, Garsanda, Block+ District- Jamui.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. S. D. Yadav, A.A.G. IX
		Mr. Dharmendra Kumar, A.C. to A.A.G. IX

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-03-2017

It is submitted at the Bar that this matter being covered by a decision of this Court rendered in **Rekana Khatoon Vs. The State of Bihar & Ors. [2013(2) PLJR 469]** can be disposed of in terms thereof.

Accordingly, this writ application stands allowed in terms of the decision rendered in **Rekana Khatoon (supra)** as well as a decision of this Court dated 14.2.2017 passed in **C.W.J.C. No. 915 of 2017 [Chaman Lal Das Vs. The State of Bihar & Ors.]** holding that since the petitioner had already cleared intermediate



examination on 28.05.2008 much before issuance of the concerned notification dated 4.7.2008, the same would not be applicable in the case of the petitioner.

After about eight years of his absorption as Panchayat Teacher under the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006, Annexure 5 has been issued stopping the salary of the petitioner, the same cannot be allowed to stand.

In my view, such action is not at all sustainable in law, and as such, Annexure 5 is quashed and set aside. The authorities are directed to pay the current salary and arrears of salary of the petitioner expeditiously preferably within the period of three months from the date of receipt / production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

