

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.191 of 2016
IN
Civil Writ Jurisdiction Case No. 6966 of 2014**

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Rinku Kumari Daughter of Koleshwar Prasad, Resident of Village - Yarpur, P.S. - Hilsa, District - Nalanda (Petitioner No. 8).

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director Secondary Education, Government of Bihar, Patna.
4. The Director Primary Education, Government of Bihar, Patna.
5. The District Superintendent of Education, Nalanda at Biharsharif.
6. The District Education Officer, Nalanda, at Biharhsarif.
7. The Block Education Officer, Ben, Nalanda.
8. The Panchayat Secretary, Gram Panchayat Raj Eksara, P.S. Ben, District - Nalanda.
9. The Head Master, Primary School, Kanaku Bigha, P.S. - Ben, District - Nalanda.
10. The Head Master, Middle School, Saidpur, P.S. - Ben, District - Nalanda.
11. The Head Master, Primary School, Marsua, P.S. - Ben, District - Nalanda.
12. The Head Master, Primary School, Babhiniwayan, P.S. - Ben, District - Nalanda.
13. The Head Master, Primary School, Slemu Bigha, P.S. - Ben, District - Nalanda.
14. The Head Master, Middle School, Paduman Bigha, P.S. - Ben, District - Nalanda.
15. The Head Master, Primary School, Sidi Bigha, P.S. - Ben, District - Nalanda.
16. The Head Master, Primary School, Bhatu Bigha, P.S. - Ben, District - Nalanda.
17. The Head Master, Primary School, Koshnara, P.S. - Ben, District - Nalanda.
18. The Head Master, Primary School, Enayatpur, P.S. - Ben, District - Nalanda.
19. The Head Master, Primary School, Bhawan Bigha, P.S. - Ben, District - Nalanda. (Respondents).
20. The Director General of Vigilance, Vigilance Investigation Bureau, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kr. Sinha, Sr. Advocate
Mr. Bhola Kumar, Advocate

For the State Respondent/s: Mr. Mritunjay Kumar, AC to GP-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-03-2017



In dismissing the writ petition filed seeking payment of salary to the petitioner on account of the fact that the vigilance enquiry has *prima facie* found the case of illegal selection of the Panchayat Teachers and finding criminality involved in the matter, the learned Writ Court having refused salary to persons who are facing criminal case, we are of the considered view that the Writ Court has not committed any error in dismissing the writ petition warranting re-consideration.

The question of payment of salary to the petitioner may arise and may be considered as and when the petitioner is exonerated of the charges levelled against him or the criminal case comes to an end exonerating or acquitting the petitioner. At this stage, when the petitioner is facing a vigilance enquiry, a criminal investigation, we see no reason to direct for payment of salary to the petitioner.

The appeal is accordingly dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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