

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8275 of 2016

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Naresh Kumar, Son of Bhaso Thakur, resident of village- Sikharia, Panchayat-
Thegua, Block + District - Jamui , presently posted as Prakhanda Teacher in
Elevated Middle School, Lathane, Block + District- Jamui.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Govt. 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, Elevated Middle School, Lathane, Block + District-
Jamui.

.... Respondents

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Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate

For the State : Mr. Sanjay Kumar, AC to GA 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-03-2017

Heard learned counsel for the petitioner and the State.

It is submitted on behalf of the petitioner 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 31.5.2006 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 10 years of his absorption as Panchayat Teacher under the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006, Annexure 6 has been issued stopping the salary of the petitioner, thus, the same also cannot be allowed to remain operative.

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)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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