

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1523 of 2013

IN

Civil Writ Jurisdiction Case No. 11995 of 2013

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Shankar Ravidas, S/O Late Tunai Ravidas, Resident of Village - Saraha, P.O. Kapsauna, P.S. Shahkund, Distt. - Bhagalpur, At present posted as Assistant Teacher in Primary School, Adarsh Khutahi, Anchal Belhar (East), District - Banka
.... Petitioner / Appellant

Versus

1. The State of Bihar
2. Director, Primary Education, Govt. of Bihar, Patna
3. District Magistrate, Banka, District - Banka
4. District Education Officer, Banka, District - Banka
5. District Programme Officer (East.), Banka, District - Banka

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Dhananjay Kumar Gupta, Advocate.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 01-03-2017

In absence of any clear evidence and finding to support the claim of the appellant that he has worked for the period 29.07.1998 to 07.02.2005, the learned Single Judge dismissed the Writ Application refusing to pass any direction upon the respondents to pay him salary.

A detailed consideration has been made by the learned Single Judge of the submissions and materials but the factum of non-working is more made out than any material of the petitioner having worked in that period.

It was his prolonged absence and only to facilitate his



smooth superannuation that that period of absence was treated as period of extra-ordinary leave so that he would not lose the benefit of his pension etc.

There is no infirmity in the decision of the learned Single Judge which is required to be interfered with.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Dilip/-

AFR/NAFR	NAFR
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