

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.479 of 2015

=====

Moinuddin Ahmad, Son of Late Zainuddin Razzak, Resident of Village -
Morsanda, P.S. - Falka, Distt. - Katihar. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, Katihar.
3. The District Education Officer, Katihar.
4. The District Programme Officer, (Saksharta) Katihar
5. The Block Education Officer, Falka, Distt. Katihar.
6. The Head Master, Middle School, Moarsanda Cum Sanchalak, Tilimi Markej, Bank Tola, Morsanda, Circle-Falka, Distt. - Katihar.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Respondent/s : Mr. AC to GA-3

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-01-2017 Heard Sri Mukesh Kumar Jha, learned counsel for
the petitioner and learned AC to GA-3.

The petitioner has approached this Court, invoking its writ jurisdiction under Article-226 of the Constitution of India, with a prayer to direct the Respondents to consider his claim for payment of salary/honorarium for the post of Shiksha Swayam Sevak(Talimi Markaj). According to prayer portion itself, it has been admitted that payment has been stopped from the month of February, 2011 and till date same has not been paid.

A plea has been taken that the petitioner was appointed as Tola Sevak/ Siksha Swayam Sevak for Talimi Markaj, Bank Tola, Morsanda, Falka, District-Katihar vide letter



no.22 dated 11.03.2010 and it has been claimed that since then he is regularly discharging his duty, even thereafter, no payment has been made after the month of February,2011.

With the writ petition, in a calculation manner, the petitioner has not brought on record his engagement letter. However, in this case, a counter affidavit has been filed on behalf of Respondent nos. 4 and 5 and along with counter affidavit, appointment letter of the petitioner has been brought on record as Annexure-A , which categorically indicates that the appointment of the petitioner was for the period of 11 months only. Even in Annexure-3 to the writ petition i.e. representation of the petitioner and one another, the petitioner admits that he has rendered his service only from 13.03.2010 to 12.02.2011.

On perusal of record, it is evident that the petitioner's claim is not maintainable. In the counter affidavit it has been stated that the petitioner has suppressed the fact that he was appointed only for 11 months, which was never extended. Since there is specific stand that after expiry of period of appointment, it was never extended, there is no reason to pass any favourable order. The writ petition stands disposed of.

NKS/-

U			
---	--	--	--

(Rakesh Kumar, J)

