

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1532 of 2017

=====

Ramanuj Singh, son of Sri Brajnandan Singh, resident of Village- Bodha Chapra, P.S.- Awtarnagar, District- Saran(Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Deputy Development Commissioner, Saran, Chapra.
5. The District Programme Officer (Establishment), Saran (Chapra).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ram Kishore Singh, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey- AAG15

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-12-2017 Heard learned counsel for the petitioner and the State.

The grievance of the petitioner in the present case is non-payment of salary despite the fact that the petitioner is working.

A counter affidavit has been filed in the instant case on behalf of the District Programme Officer, wherein stand has been taken in paragraphs 11 onward that the petitioner has procured promotion on the basis of forged certificate and as such the petitioner is not entitled to any relief.

Be that as it may, if the petitioner is still continuing and has not been dismissed from service after recording a finding that his certificates, on which he obtained promotion, are forged then the respondents are required to make payment of salary.



In case the petitioner is working and has not been paid salary, the respondents are required to pass order for payment of salary. It is well settled that so long the services of the petitioner has not been dispensed with in accordance with law after giving opportunity of hearing and after following the procedure and complying the principles of natural justice, the respondents are required to make payment.

Accordingly, the respondents are directed to take final decision in the matter within a period of three months from the date of receipt/production of a copy of this order.

It is made clear that this court has not expressed any opinion on the merit, validity of the appointment/promotion of the petitioner or genuineness of the certificate of the petitioner. It is open to the respondent-authority to take a final decision and record finding after giving opportunity of hearing to the petitioner.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

