

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3427 of 2017

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Noor Jahan Begum, Wife of Md. Alimullah, Resident of village - Uttra,
Village – Saharghat, Block - Madhwapur, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Patna Bihar
2. The Director, School Education, Government of Bihar, Patna
3. The District Magistrate, District - Sitamarhi
4. The District Superintendent of Education, District Programme Co -
Ordinator, Bihar Education Project, Sitamarhi
5. The Block Education Officer, Bokhra Block, Sitamarhi
6. The Head Master, Sahar Middle School, Village - Sahar, Block -
Madhwapur, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Respondent/s : Mr. Madhaw Pd. Yadav-Gp23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 21-12-2017 Heard learned counsel for the petitioner and the
respondents.

The grievance of the petitioner in the present writ application is non-payment of salary for the period 12.07.2012 to 06.12.2014, during which period the petitioner was not allowed to work on account of the fact that she was terminated illegally on the basis of allegation of forged certificate in procuring appointment. After enquiry, the certificate of the petitioner was found legal and, accordingly, the order of termination was kept in abeyance vide order dated 24.04.2014 passed in C.W.J.C. No. 16210 of 2013.



Counsel for the respondents submits that the petitioner has not worked during the said period and as such the petitioner is not entitled to payment of salary. The law is well settled, the respondents cannot take advantage of their own wrong without verifying the genuineness of the certificate.

In the instant case, the respondents have acted upon the allegations without verifying the genuineness of the certificate and the order contained in letter no. 323 dated 12.07.2012, whereby the petitioner was discharged from service was kept abeyance.

In the aforesaid circumstances, the Court is constrained to hold that the respondents cannot take advantage of their own wrong in not allowing the petitioner to work without making any enquiry into the allegation of forgery in the certificate.

Accordingly, the writ application is disposed of with a direction to respondent no.4, the District Programme Officer, Sitamarhi to examine the case of the petitioner and ensure payment of salary for the aforesaid period within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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