

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10276 of 2017

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Shivji Mishra, Son of Shree Ram Pratap Mishra, Resident of Village-
Jalwasi, Khanita, P.S.-Itashi, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Education Department, Bihar,
Patna.
2. District Magistrate, Bhojpur (Arrah)
3. District Education Officer, Bhojpur (Arrah)
4. The District Programme Officer, Bhojpur (Arrah)
5. Block Development Officer, Arrah (Sadar)
6. Block Education Officer, Arrah (Sadar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
Mr. Ashutosh Singh, Advocate

For the Respondent/s : Mr. Madanjeet Kumar, GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 21-12-2017 Heard counsel for the petitioner and the respondents.

Counsel for the petitioner submits that the petitioner is regularly working after appointment. The petitioner was paid salary up to September, 2016 and thereafter without any rhyme and reason, his salary was stopped. He submits that the respondents have issued show-cause notice on the issue of the disability certificate. The petitioner replied vide Annexure-5, on 06.02.2017, but till date no decision has been taken by the respondent authorities and, as such, he submits that the respondents be directed to take final decision in the matter of legality and validity of the appointment and the certificate of



disability on which the petitioner has procured appointment.

Without going to the merit of the case, the writ application is disposed of with a direction to the District Programme Officer, Bhojpur (respondent no.4) to take final decision in the matter of legality and the validity of the appointment and the disability certificate used by the petitioner for procuring the job. In the event, the disability certificate of the petitioner is found genuine and there is no otherwise impediment in making payment of the salary of the petitioner, the respondents shall ensure payment of the same within a maximum period of four months from the date of filing of representation along with a copy of this order.

In the event, the disability certificate of the petitioner is found to be forged after enquiry, the respondents may pass final order refusing payment of salary assigning the reason, such exercise must be completed within the time frame, as indicated herein above.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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