

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.95 of 2017

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Dhirendra Kumar Son of Madan Prasad Resident of Village- Lakhanpura,
P.S. - Suryapura, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Human Resources and Development, Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The District Magistrate, District- Rohtas at Sasaram.
4. The District Education Officer, Rohtas at Sasaram.
5. The District Programme Officer(Establishment), Rohtas at Sasaram.
6. The Block Development Officer, Dawath District Rohtas.
7. The Block Education Extension Officer, Dawath, District Rohtas.
8. The Chairman, Municipal Panchayat Kowath District Rohtas.
9. The Nagar Niyojan Samiti, Kowath Municipal Panchayat, through its Member, Secretary-cum-Executive Officer, Municipal Panchayat , Kowath, District- Rohtas.
10. The Headmaster, Jagnarayan Inter Level School, Kowath, Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudama Singh, Advocate
Mr. Surendra Kumar Mishra

For the Respondent/s : Mr. Umesh Narayan Dubey-A.C. to G.P.-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 17-11-2017 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Counsel for the petitioner has confined his argument
to the grievance only to the extent of payment of salary for the
period he has worked.

Counsel for the State submits that the issue with
regard to payment of salary cannot be examined in this proceeding
as to the factual enquiry whether he has worked or not can only be



made by the competent authority.

Considering the aforesaid, the writ petition is disposed of with direction to respondent no.5 to examine the claim of the petitioner as to the payment of salary for the period July, 2015 to November, 2016 after proper enquiry into the matter and if it is found that the petitioner has worked for the period July, 2015 to November, 2016 he shall see that the petitioner is paid salary for the period he has worked.

It goes without saying that while deciding the claim of the petitioner as to the payment of salary for the aforesaid period, the respondent no.5 will not enter into the controversy as to the validity of his continuance for entitlement of salary. The respondent no.5 is required to examine whether the petitioner has actually worked or not irrespective of the nature of employment, the petitioner is entitled to payment.

With the direction the writ petition is disposed of.

The respondent no.5 is expected to take final decision within three months from the date of receipt/production of this order.

(Anil Kumar Upadhyay, J)

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