

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7388 of 2017

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Neelam Srivastava Daughter of Hari Shankar Prasad, Resident of Village-Bhathhiya, P.O. + P.S. Chautarwa, District-West Champaran (Bettiah). At Present W/o Braj Kishore Prasad Srivastava, Resident of New Bagaha Gandhi Nagar, Police Station-Bagaha, District-West Champaran (Bettiah).

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, West Champaran, Bettiah.
4. The District Education, Officer, West Champaran, Bettiah.
5. The District Programme Officer, Establishment, West Champaran, Bettiah.
6. The Block Education Officer, Bagaha-1, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
Mr. Lokesh Kumar Singh

For the Respondent/s : Mr. Narendra Kumar-Gp20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 22-12-2017 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has not been paid salary from February
2014 to June 2015.

Learned counsel appearing on behalf of the State
with reference to the counter affidavit submits that the petitioner
herself left the school from February 2014 and remained absent till
June, 2015 and as such the petitioner is not entitled for payment of



salary for the aforesaid period.

Learned counsel for the petitioner submits that the respondents are making incorrect submission that the petitioner has not worked during the aforesaid period.

Such dispute of fact cannot be resolved in this writ application. However, the petitioner may approach the authority, namely, District Programme Officer, West Champaran, Bettiah enclosing the relevant document or seek alternative remedy by way of filing civil suit. The writ court cannot issue any positive direction in the matter where there are serious dispute of facts.

In case, the petitioner files representation alongwith a copy of this order within one month, the respondent, District Programme Officer, West Champaran at Bettiah shall enquire into the matter and pass reasoned speaking order on the claim of the petitioner within a maximum period of three months from the date of receipt/production of a copy of this order alongwith the representation.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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