

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1977 of 2017

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1. Sangita Kumari, Daughter of Parmanand Prasad, Resident of Village-Bakhur, Chandiha, P.S.- Purnahia, District-Sheohar.
 2. Prakash Kumar Sharma, Son of Dharni Raman Sharma, Resident of Village- Khairva Darp, P.S.- Sheohar, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Sheohar.
2. The Deputy Development Commissioner, Sheohar.
3. The Block Development Officer, Block Purnahia, District-Sheohar.
4. The Block Education Extension Officer, Block-Purnahia, District-Sheohar.
5. The Mukhiya, Gram Panchayat Raj, Bhakhar Chandiha, Block-Purnahia, District-Sheohar.
6. Panchayat Sevak, Gram Panchayat Raj, Bakhar Chandiha, Block-Purnahia, District-Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mallika Mazumdar, Advocate

For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 21-02-2018 Heard learned counsel for the petitioners and the State.

From perusal of Anenxure-3, it appears that the order terminating the petitioners was set aside by the District Teachers Employment Appellate Authority, Sheohar. The orders setting aside the termination of the petitioners and as a consequence thereof reinstatement entitle the petitioners for payment of back wages. Back wages on reinstatement is a rule and denial of back wages is only permissible in exceptional circumstance.

In the peculiar facts of the case, the Court is



convinced that the petitioners' termination was illegal and that is why the appellate authority has interfered with the order of termination and set aside the same.

It is well settled proposition of law that one cannot take advantage of its own wrong, since the respondents arbitrarily terminated the service of the petitioners and the same was set aside by the District Teachers Employment Appellate Authority, Sheohar and, as such, the Court is of the considered view that the petitioners are entitled to payment of back wages on reinstatement.

In view of the above, the writ application is disposed of with a direction to the District Programme Officer (Establishment), Sheohar to pass necessary order for payment of back wages within a maximum period of four months from the date of receipt/production of a copy of this order, as the petitioners cannot be made to suffer on account of illegal and arbitrary order of termination, whereby the petitioners were restrained from discharging their duties.

(Anil Kumar Upadhyay, J)

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